

# **EXHIBIT B**

THE STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

In the Matter of  
NEW YORK CITY DEPARTMENT OF EDUCATION  
v.

JEAN RICHARD SEVERIN

Section 3020-a Education Law Proceeding (File #29,298)

DATE: May 24, 2016

TIME: 9:30 a.m. to 10:30 a.m.

LOCATION: NYC Department of Education  
Office of Legal Services  
100 Gold Street, Third Floor  
New York, NY 10038

BEFORE: JAMES A. BROWN, ESQ.  
HEARING OFFICER

APPEARANCES: FOR THE COMPLAINANT:  
MICHAEL A. FRANCIS, ESQ., of Counsel  
NYC Department of Education  
Office of Legal Services  
49-51 Chambers Street  
New York, NY 10007  
Telephone: (212) 374-6741  
Mfrancis11@schools.nyc.gov

FOR THE RESPONDENT:  
JENNIFER HOGAN, ESQ., of Counsel  
Office of Richard E. Casagrande  
52 Broadway, 9th Floor  
New York, New York 10004  
Telephone: (212) 533-6300  
jhogan@nysutmail.org

JEAN RICHARD SEVERIN - 5/24/16  
[ON THE RECORD, Awaiting Respondent and Department]  
THE HEARING OFFICER: We're back on the record in this matter. I will note that we are joined by the Department's counsel. If you could kindly note your appearance.  
MR. MICHAEL FRANCIS: For the Department of Education, Michael A. Francis.  
THE HEARING OFFICER: And the Respondent is also now present with us. Good morning to Dr. Severin.  
DR. JEAN SEVERIN: Good morning.  
THE HEARING OFFICER: Does the Department of Education, in fact, have a copy of the demand for bill of particulars, request for production of documents?  
MR. FRANCIS: Yes, I do.  
THE HEARING OFFICER: I would like to have this in the record as Respondent's Exhibit 1. Is there any objection, Mr. Francis?  
MR. FRANCIS: None from the Department.  
THE HEARING OFFICER: All right. So Respondent's Exhibit 1 is in evidence.

JEAN RICHARD SEVERIN - 5/24/16

[Whereupon Respondent Exhibit 1 is admitted into evidence]

THE HEARING OFFICER: What I'd like to do at this prehearing conference, which is my practice throughout, is to have the Department go through the demand paragraph by paragraph, just identifying the paragraph number, and let us kindly know what the Department's position is. If at any time the Respondent wishes to be heard in response to the Department's position, please speak up. And I'll also, of course, give the Respondent, at the conclusion, an opportunity to be heard as well. Mr. Francis, turning your attention to Respondent's Exhibit 1, if you could begin with paragraph 1.

MR. FRANCIS: With respect to all specifications, paragraph 1, "Identify all witnesses the Department intends to call to give testimony during its case; and for each witness identify all allegations to which the witness will testify; for each such witness state his or her relationship to the Department, i.e., investigator, student, parent of student, etc." With respect to paragraph 1, the witness list

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 will be provided before trial. With respect to  
 3 the request for the relationship of said witness  
 4 to the Department, we will provide that  
 5 information as well at trial. Number 2,  
 6 paragraph number 2, "Produce copies of any and  
 7 all documents which the Department intends to  
 8 introduce as exhibits in this proceeding." The  
 9 Department agrees to provide such information.  
 10 Paragraph 3, "Produce copies of all  
 11 correspondence, statements, notes, pictures,  
 12 memoranda, tape recordings, videotapes, reports,  
 13 and documents referring to the incidents alleged  
 14 in the specifications." The Department agrees  
 15 to the extent that such items exist. Paragraph  
 16 number 4, "Produce copies of all school records  
 17 of those students whom the Department intends to  
 18 call as witnesses, including but not limited to  
 19 each student's cumulative records, guidance  
 20 reports, attendance records, disciplinary  
 21 records, admission records, special education  
 22 records, anecdotal files, records supplied from  
 23 other schools or other institutions which the  
 24 students may have attended, and psychological  
 25 and social work records." The student records--

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 the Department's position is that the student  
 3 records will be provided to the Arbitrator for  
 4 an in-camera inspection, and the Department will  
 5 be guided by the Arbitrator's decision. Number  
 6 5, "Produce for inspection and copying all files  
 7 and documents referring to Respondent maintained  
 8 by the administrator of Urban Action Academy  
 9 District 18 or the Department." With respect to  
 10 number 5, the Department's position is as  
 11 follows. Respondent is entitled to request his  
 12 personnel file directly from the school. Should  
 13 Respondent require assistance in obtaining such  
 14 records, the Department will assist with a phone  
 15 call or an email to the school to assist.  
 16 MS. HOGAN: May I respond?  
 17 THE HEARING OFFICER: Certainly.  
 18 MS. HOGAN: So, at this time, that  
 19 request has been made, and it's my understanding  
 20 the personnel file has not yet been provided.  
 21 And so if Department's counsel could assist in  
 22 making that request and to have the principal  
 23 inform the Respondent as to when the personnel  
 24 file will be available for pick up, I'd  
 25 appreciate that.

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 MR. FISHER: No problem. Number 6,  
 3 "Produce copies of any and all written policies,  
 4 guidelines, directives, contracts, rules, and  
 5 regulations which are relevant to the  
 6 allegations as described in the specifications,  
 7 and provide copies of any and all receipts or  
 8 acknowledgements indicating that Respondent  
 9 received such written policies, guidelines,  
 10 directives, contracts, rules, or regulations."  
 11 The Department's position is that the Respondent  
 12 has been provided school handbooks and  
 13 regulations at the beginning of each school  
 14 year, as are all pedagogues. Acknowledgements  
 15 of receipt of such documents will be provided.  
 16 Number 7, "Produce copies of any and all  
 17 exculpatory evidence or information regarding  
 18 the allegations in the specifications." The  
 19 Department is unaware of any exculpatory  
 20 evidence in this matter. However, should such  
 21 evidence present itself, the Department will  
 22 provide Respondent with same pursuant to the  
 23 rules of discovery. Number 8, "Provide copies  
 24 of all records and reports pertaining to the  
 25 Respondent in the possession of the Office of

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 Special Investigation of the Department,  
 3 including but not limited to all reports,  
 4 summaries, notes, memoranda, correspondence, and  
 5 communication, including communication sent  
 6 and/or received by electronic mail, original  
 7 interview notes, typed reports, chronological  
 8 reports, statements, affidavits, photographs,  
 9 tape recordings, video recordings, and all other  
 10 writings." Said records will be provided unless  
 11 deemed attorney work product. Number 9,  
 12 "Provide copies of all records and reports  
 13 pertaining to the Respondent in the possession  
 14 of the Special Commission of Investigations,  
 15 including but not limited to all reports,  
 16 summaries, notes, memoranda, correspondence, and  
 17 communications, including communications sent  
 18 and/or received by electronic mail, original  
 19 interview notes, typed reports, chronological  
 20 reports, statements, affidavits, photographs,  
 21 tape recordings, video recordings, and all other  
 22 writings." Said records will be provided unless  
 23 deemed attorney work product.  
 24 THE HEARING OFFICER: Number 10  
 25 appears to be the same as number 9, but it

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 applies to the Office of Equal Opportunity.  
 3 MR. FRANCIS: Would the Arbitrator  
 4 like me to read the entire paragraph?  
 5 THE HEARING OFFICER: No.  
 6 MR. FRANCIS: It's understood that  
 7 this pertains to the Office of Equal  
 8 Opportunity. And the Department's response to  
 9 number 10 is said records will be provided  
 10 unless deemed attorney work product. Number 11,  
 11 "Identify all individuals who investigated the  
 12 conduct alleged in the specifications and  
 13 provide all recommendations, reports, memoranda,  
 14 correspondence, notes, and all other records  
 15 received or produced in the investigations."  
 16 The Department will identify said individuals  
 17 alleged in the specifications, reports--  
 18 THE HEARING OFFICER: [Interposing]  
 19 All right. Let's just go off the record for a  
 20 moment.  
 21 [OFF THE RECORD, Sidebar]  
 22 [ON THE RECORD, Sidebar]  
 23 THE HEARING OFFICER: Mr. Francis.  
 24 MR. FRANCIS: I'll reread number 11  
 25 for continuity purposes of paragraph number 11.

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 "Identify all individuals who investigated the  
 3 conduct alleged in the specifications and  
 4 provide all recommendations, reports, memoranda,  
 5 correspondence, notes, and all other records  
 6 received or produced in the investigation." The  
 7 Department will identify said individuals  
 8 alleged in the specifications and reports and  
 9 pursuant to and according to the rules of  
 10 discovery. Paragraph number 12, "Specify the  
 11 identity of any persons who were present during  
 12 the course of the alleged conduct or whom the  
 13 Department believes may have observed the  
 14 conduct alleged; to those so present, please  
 15 provide names, addresses, and phone numbers."  
 16 With respect to number 12, paragraph number 12,  
 17 the Department will identify said individuals  
 18 alleged in the specifications and reports and  
 19 pursuant to and according to the rules of  
 20 discovery. With respect to addresses and phone  
 21 numbers, it's the Department's position that  
 22 addresses and phone numbers of all persons  
 23 affiliated with the school, the names and  
 24 addresses will be that of the school itself.  
 25 With respect to other witnesses that may be from

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 SCI, OEO, OSI, the same will apply for their  
 3 office address and phone number. Paragraph  
 4 number 13 with respect to Specification number  
 5 1, "Identify every witness who observed the  
 6 alleged incidents set forth in this  
 7 specification and provide his or her address and  
 8 phone number." With respect to Specification  
 9 number 1, the specifications themselves  
 10 articulate Respondent's... Withdrawn. With  
 11 respect to this request, the Department will  
 12 identify witnesses who observed the alleged  
 13 incidents set forth in this specification, and  
 14 the witness that will testify, his address and  
 15 phone number will be presented, or provided,  
 16 rather, as the name and address, the address and  
 17 phone number at the school. Paragraph number 14  
 18 with respect to Specification 1, paragraph  
 19 number 14, "Identify all individuals who  
 20 investigated the conduct alleged in the  
 21 specifications and provide all recommendations,  
 22 reports, memoranda, correspondence, notes, and  
 23 all other records received or produced in that  
 24 investigation." With respect to this request,  
 25 the Department will provide the requested

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 information, save student information that will  
 3 be provided to the Arbitrator for an in-camera  
 4 inspection. And the addresses of the witnesses  
 5 shall be the address of the school. Of course,  
 6 all of the above will be guided by the rules of  
 7 FERPA with respect to students. In addition,  
 8 the specifications are clear as to what is  
 9 alleged, and the information will be gleaned at  
 10 trial from the witnesses. Number 15, "Provide  
 11 Respondent's teaching schedule for April 4th,  
 12 2016." That will be provided as part of our  
 13 discovery. With respect to Specification number  
 14 2, paragraph 16, "Identify every witness who  
 15 observed the alleged incidents set forth in this  
 16 specification and provide his or her address and  
 17 phone number." The Department will provide a  
 18 witness list that sets forth, that will present  
 19 evidence that's set forth in Specification  
 20 number 2. The names and addresses, of course,  
 21 will be the school. The address and phone  
 22 number will be the address and phone number of  
 23 the school. Number 17, "Identify all  
 24 individuals who investigated the conduct alleged  
 25 in the specification and provide all

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 recommendations, reports, memoranda,  
 3 correspondence, notes, and all other records  
 4 received or produced in that investigation."  
 5 The Department will provide such information  
 6 unless such documents are deemed work product,  
 7 attorney work product. Number 18, "Identify the  
 8 students referred to in the specification." The  
 9 names of the students will be provided redacted  
 10 to... Withdrawn. The names of the students will  
 11 be identified after an in-camera inspection of  
 12 the students' names and records by the  
 13 Arbitrator. And the Department will be guided  
 14 by the Arbitrator's decision.  
 15 MS. HOGAN: May I respond to that?  
 16 THE HEARING OFFICER: Certainly.  
 17 MS. HOGAN: So this request simply  
 18 asks for the identity of the students referred  
 19 to in the specification and not for any  
 20 additional student records pertaining to those  
 21 students. And the request is relevant and  
 22 material to the Respondent's defense of the  
 23 charge which indicates that the Respondent  
 24 failed to adhere to the cell phone policy when  
 25 he allowed students to use cell phones. And so

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 the identity of the students is germane to the  
 3 discovery request. And I request that the  
 4 information be provided without an in-camera  
 5 inspection.  
 6 THE HEARING OFFICER: Mr. Francis, why  
 7 is an in-camera inspection needed with regard to  
 8 just the identities of the students?  
 9 MR. FRANCIS: The Department will  
 10 provide such information.  
 11 THE HEARING OFFICER: Thank you.  
 12 MR. FRANCIS: Number 19, "Provide the  
 13 class roster for the class of students referred  
 14 to in the specifications." Now, with respect to  
 15 number 19, a class roster will be provided that  
 16 identifies the students named in the request  
 17 for, in paragraph 18. The class roster for  
 18 those individuals who did not witness anything  
 19 will be redacted.  
 20 MS. HOGAN: So I have a response to  
 21 that as well. So this request asks for the  
 22 class roster of every student in the class  
 23 concerning the specification--I'm sorry--  
 24 concerning Specification 2. And so that is,  
 25 that information is relevant to the Respondent's

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 defense, and it's relevant in terms of a  
 3 discovery request and no redaction should occur  
 4 by the Department. The entire roster should be  
 5 provided to the Respondent so that he can  
 6 properly defend against the charges. That  
 7 roster may include witnesses who could  
 8 articulate that there's no violation of the cell  
 9 phone policy or that students in that class did  
 10 not use the cell phone policy. And so, simply  
 11 for discovery purposes, that information is  
 12 relevant and germane to the request.  
 13 MR. FRANCIS: I'll be guided by the  
 14 Arbitrator's decision in this request.  
 15 THE HEARING OFFICER: I'm going to  
 16 direct the Department to disclose the class  
 17 roster. It strikes me as a standard requested  
 18 discovery.  
 19 MR. FRANCIS: And the Department will  
 20 adhere to the Arbitrator's decision. Number 20,  
 21 "Provide the school's cell phone policy referred  
 22 to in the specification." The Department will  
 23 provide such documentation to the extent that it  
 24 exists. With respect to Specification 3,  
 25 "Identify every witness who observed the alleged

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 incident set forth in this specification and  
 3 provide his or her address and phone number."  
 4 The Department will provide the witness list  
 5 pertaining to Specification number 3. The name,  
 6 rather, the address and phone number shall be  
 7 that of the school wherein this common planning  
 8 meeting occurred. Paragraph number 22 with  
 9 respect to Specification number 3, "Identify all  
 10 individuals who investigated the conduct alleged  
 11 in this specification and provide all  
 12 recommendations, reports, memoranda,  
 13 correspondence, notes, and all other records  
 14 received or produced in that investigation."  
 15 Such information will be provided to the  
 16 Department except that information which is  
 17 deemed attorney work product. With respect to  
 18 Specification 4, paragraph number 23, "Identify  
 19 every witness who observed the alleged incident  
 20 sort forth in this specification and provide his  
 21 or her address and phone number." The  
 22 Department will provide a witness list to the  
 23 Respondent. The name, rather, the address and  
 24 phone number will be that of the school.  
 25 Paragraph number 24 with respect to

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 Specification number 4, "Identify all  
 3 individuals who investigated the conduct alleged  
 4 in this specification and provide all  
 5 recommendations, reports, memoranda,  
 6 correspondence, notes, and all other records  
 7 received or produced in that investigation."  
 8 The Department will provide such information  
 9 except that information which the Department  
 10 determines to be attorney work product. Number  
 11 25, "Provide the school policy and written  
 12 directives referred to in the specifications."  
 13 The Department will provide such information.  
 14 With respect to Specifications 5, 6, and 7,  
 15 "Identify every witness who observed the alleged  
 16 incident set forth in this specification and  
 17 provide his or her address and phone number."  
 18 The witness list will be provided to Respondent.  
 19 The address and phone number shall be that of  
 20 the school. Number 27, "Identify all  
 21 individuals who investigated the conduct alleged  
 22 in this specification and provide all  
 23 recommendations, reports, memoranda,  
 24 correspondence, notes, and all other records  
 25 received or produced in that investigation."

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 Such information will be provided by the  
 3 Department except that information that the  
 4 Department determines to be attorney work  
 5 product. With respect to Specification 8,  
 6 paragraph 28, "Identify every witness who  
 7 observed the alleged incident set forth in this  
 8 specification and provide his or her address and  
 9 phone number." The identity of such witnesses  
 10 will be provided to Respondent. The address and  
 11 phone number shall be that of the school.  
 12 Paragraph 29 with respect to Specification 8,  
 13 "Identify all individuals who investigated the  
 14 conduct alleged in this specification and  
 15 provide all recommendations, reports, memoranda,  
 16 correspondence, notes, and all other records  
 17 received or produced in that investigation."  
 18 The Department will provide the names of  
 19 individuals--will identify all individuals who  
 20 investigated the conduct alleged in this  
 21 specification and will provide that which is  
 22 requested except that information that the  
 23 Department determines to be attorney work  
 24 product. Paragraph 30 with respect to  
 25 Specification 8, "Identify the students referred

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 to in the specification." The Department will  
 3 provide that information. Now, just as a  
 4 caveat, the Department will provide that  
 5 information to the extent that it is available  
 6 to the Department from the school, from the  
 7 administrators, or principals, or other  
 8 individuals at the school. With respect to  
 9 Specifications 9, 10, and 15, "Identify every  
 10 witness who observed the alleged incident set  
 11 forth in this specification and provide his or  
 12 her address and phone number." The Department  
 13 will provide the names--will identify these  
 14 witnesses. The names, the address, rather, and  
 15 phone numbers will be that of the school.  
 16 Paragraph 32, "Identify all individuals who  
 17 investigated the conduct alleged in the  
 18 specification and provide all recommendations,  
 19 reports, memoranda, correspondence, notes, and  
 20 all other records received or produced in that  
 21 investigation." The Department will provide the  
 22 identity of these individuals and provide the  
 23 documents requested except for those documents  
 24 deemed attorney work product. Paragraph 33,  
 25 "Provide Respondent's time cards for dates

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 referred to in the specifications." The  
 3 Department will provide the time cards for the  
 4 dates referred in the specifications. With  
 5 respect to Specifications 11, 12, 13, 14, 16,  
 6 17, and 18, paragraph 34, "Identify every  
 7 witness who observed the alleged incidents set  
 8 forth in this specification and provide his or  
 9 her address and phone number." The identity of  
 10 these witnesses will be provided. The address  
 11 and phone number will be that of the school.  
 12 Paragraph 35, "Identify all individuals who  
 13 investigated the conduct alleged in this  
 14 specification and provide all recommendations,  
 15 reports, memoranda, correspondence, notes, and  
 16 all other records received or produced in that  
 17 investigation." The Department will provide the  
 18 identity of these individuals and provide these  
 19 reports except those documents that the  
 20 Department determines to be attorney work  
 21 product. Paragraph 36, "Identify the directives  
 22 referred to in the specification." The  
 23 Department, through its witnesses, will provide  
 24 the directives referred to in these  
 25 specifications at trial.

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 MS. HOGAN: So may I respond that?  
 3 THE HEARING OFFICER: Certainly.  
 4 MS. HOGAN: To the extent that there  
 5 are any written directives, the Respondent  
 6 requests that those written directives be  
 7 produced. I understand that the Department's  
 8 response is that the testimony will identify the  
 9 directives, but, to the extent that there's  
 10 anything produced in writing, I'd request that  
 11 in discovery.

12 MR. FRANCIS: The Department will  
 13 comply with that request. Should there be  
 14 written directives, that will be provided.  
 15 Paragraph 37, "Identify the administrators  
 16 referred to in this specification." The  
 17 Department will provide that information.

18 THE HEARING OFFICER: Would the  
 19 Respondent like to be heard at this time?

20 MS. HOGAN: No.

21 THE HEARING OFFICER: At this time,  
 22 during the prehearing conference, it's really up  
 23 to the Hearing Officer to address the issue of  
 24 scheduling. I know that there is at least one  
 25 other case ahead of this one. So it's hard for

I, Melissa Strickland, do hereby certify that the  
 foregoing typewritten transcript of proceedings in the  
 matter of New York City Department of Education v. Jean  
 Richard Severin, File No. 29,298 was prepared using the  
 required transcription equipment and is a true and  
 accurate record of the proceedings to the best of my  
 ability. I further certify that I am not connected by  
 blood, marriage or employment with any of the parties  
 herein nor interested directly or indirectly in the matter  
 transcribed.

Signature: \_\_\_\_\_

Date: \_\_\_\_ May 31, 2016 \_\_\_\_

1 JEAN RICHARD SEVERIN - 5/24/16  
 2 me to know with any precision when we can, in  
 3 fact, schedule this case. I know and trust that  
 4 the parties will continue to communicate with  
 5 the Hearing Officer as we approach the first day  
 6 of hearing in this matter in order that we can  
 7 all be on the same page as to when this case  
 8 will, in fact, start. Unless there's anything  
 9 else that needs to be addressed, I will deem  
 10 this prehearing conference to be concluded.  
 11 Thank you all. Let's go off the record.  
 12 (The hearing adjourned at 10:30 a.m.)

None



THE STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

In the Matter of  
NEW YORK CITY DEPARTMENT OF EDUCATION  
v.

JEAN RICHARD SEVERIN

Section 3020-a Education Law Proceeding (File #29,298)

DATE: June 24, 2016

TIME: 12:00 p.m. to 17:00 p.m.

LOCATION: NYC Department of Education  
Office of Legal Services  
100 Gold Street, 3rd Floor  
New York, NY 10038

BEFORE: JAMES BROWN, ESQ.  
HEARING OFFICER

APPEARANCES: FOR THE COMPLAINANT:  
MICHAEL FRANCIS, ESQ., of Counsel  
NYC Department of Education  
Office of Legal Services  
49-51 Chambers Street  
New York, NY 10007  
Telephone: (212) 374-6741  
mfrancis@schools.nyc.gov

FOR THE RESPONDENT:  
ALAIN MASSENA, ESQ., of Counsel  
Office of Richard E. Casagrande  
52 Broadway, 9th Floor  
New York, New York 10004  
Telephone: (212) 533-6300  
avm@massenalaw.com

Table of Contents		
OPENING STATEMENT		
NAME:	PAGE:	
M. Francis	5	
WITNESS EXAMINATION		
NAME:	PAGE:	
J. Barnett		
Direct	33	
Voir Dire	36	
Direct	38	
Voir Dire	39	
Cross	49	
Re-Direct	71	
Re-Cross	72	
S. Dorcely		
Direct	74	
Voir Dire	81	
Direct	82	
Voir Dire	97	
Direct	98	
Voir Dire	100	
Direct	100	
Voir Dire	117	
Direct	119	
CLOSING STATEMENT		
NAME:	PAGE:	
RESPONDENT		
EXHIBITS		
RESPONDENT	DESCRIPTION	I.D. IN EV.

1 JEAN SEVERIN - 06/24/16  
 2 (The hearing commenced at 12:00 p.m.)  
 3 [Background noise]  
 4 THE HEARING OFFICER: Good morning, my  
 5 name is James K. Brown or I should say good  
 6 afternoon. I am the Hearing Officer duly  
 7 appointed pursuant to New York pursuant to New  
 8 York State Education Law Extension 3020(a) Rules  
 9 and Regulations as well as a contractual  
 10 provisions by and between United Federation of  
 11 Teachers and New York City Department of  
 12 Education. We are here today for a first day of  
 13 hearing in the matter of Jean Richard Severin,  
 14 SED File No. 29298. If we could kindly note our  
 15 appearances beginning on my left?  
 16 MR. MICHAEL A. FRANCIS: Before the  
 17 Department of Education, Michael A. Francis.  
 18 MR. ALAIN MASSENA: For the  
 19 respondent, Jean Richard Severin, Alain Massena,  
 20 M-A-S-S-E-N-A.  
 21 THE HEARING OFFICER: And I understand  
 22 the respondent's also on the floor with us. Is  
 23 that correct?  
 24 MR. MASSENA: That is correct.  
 25 THE HEARING OFFICER: All right.

Table of Contents			
DEPARTMENT OF EDUCATION			
	DESCRIPTION	I.D.	IN EV.
1	Specifications	29	30
2	Chancellor's Regulations	30	30
3	Sign-out Sheet	35	39
4	Disciplinary Letter to File	41	42
5	Disciplinary Letter and Informal Observation Report by Barnett	44	47
6	Handwritten Notes for Informal Observation Dated 10/29/15 For Dr. Severin	44	48
7	Daily Docket	77	79
8	Faculty Handbook For 2014-2015	80	82
9	Faculty Handbook for 2015-2016	80	82
10	Cellphone Policy	83	84
11	Principal Dorcely's Documentation From Disciplinary Meeting	86	86
12	Statement from Students Regarding Cellphone Policy	88	93
13	Daily Attendance Sheet Dated 2/5/16 for Global Studies	94	95
14	Attendance Sheet for Common Planning Room 101 Dated 12/23/15	96	98
15	Disciplinary Letter	99	100
16	Email to Severin Lights Off In Classroom	102	103
17	Email From Dorcely Regarding Common Planning Time Structure	105	110
18	Three Disciplinary Conference Letters Regarding Absence For Common Planning Time	113	115
19	Disciplinary Letter Regarding Not Signing Out on Staff Sheet	117	117
20	Disciplinary Meeting Letter Requesting Mid-Term	122	130

30 JEAN SEVERIN - 06/24/16  
 While we wait the Department's first witness in  
 this matter, let's now go off the record, thank  
 you.  
 [OFF THE RECORD]  
 [ON THE RECORD]  
 THE HEARING OFFICER: Okay. Let's go  
 on the record. Okay, so we're back on the  
 record in this matter, and I will note that the  
 respondent has joined us. Good afternoon to you  
 Dr. Severin.  
 DR. JEAN SEVERIN: Good afternoon,  
 sir.  
 THE HEARING OFFICER: As a preliminary  
 matter, it's understanding that the Department  
 would like to at this time offer a couple of  
 documents into evidence, Mr. Francis?  
 MR. FRANCIS: That's correct, thank  
 you. First and foremost, the next step the  
 Specifications we move into evidence. There's  
 copy for the arbitrator, and I have a copy for  
 the respondent acknowledges that -- [00:01]  
 Department's 1.  
 THE HEARING OFFICER: Okay. Is there  
 any objection to Department 1 going into

1 JEAN SEVERIN - 06/24/16  
 2 evidence?  
 3 MR. MASSENA: No objection.  
 4 THE HEARING OFFICER: All right. So  
 5 Department 1 is in evidence.  
 6 MR. FRANCIS: In addition, Department  
 7 would like to introduce into evidence at this  
 8 time the Chancellor's Regulation 84-12, and I  
 9 have a copy for the arbitrator and a copy for  
 10 respondent.  
 11 THE HEARING OFFICER: Is there any  
 12 objection to Department's 2 as being admitted  
 13 into evidence?  
 14 MR. MASSENA: No objection.  
 15 THE HEARING OFFICER: All right. So  
 16 Department 2 is now in evidence. Any other  
 17 documents at this time?  
 18 MR. FRANCIS: Not at this time.  
 19 THE HEARING OFFICER: Would the  
 20 Department like to make an opening statement?  
 21 MR. FRANCIS: Yes. At this juncture,  
 22 we're -- [00:03] on the 18 Specifications in  
 23 Department's 1 in evidence, and I will just read  
 24 the specifications.  
 25 THE HEARING OFFICER: Well, the

31

1 JEAN SEVERIN - 06/24/16  
 2 respondent reserves the right to make up his  
 3 opening prior to -- [00:01].  
 4 THE HEARING OFFICER: Understood.  
 5 Let's go off the record while we get the  
 6 Department's witness.  
 7 [OFF THE RECORD]  
 8 [ON THE RECORD]  
 9 THE HEARING OFFICER: With everyone's  
 10 consent, let's go back on. All right, Mr.  
 11 Francis, I see the Department has its first  
 12 witness for this afternoon. If you could kindly  
 13 introduce to us?  
 14 MR. FRANCIS: At this time, the  
 15 Department calls Assistant Principal, Jordan  
 16 Barnett.  
 17 THE HEARING OFFICER: Okay. And if  
 18 you could spell your name for us, Ms. Barnett.  
 19 MS. JORDAN BARNETT: Jordan, J-O-R-D-  
 20 A-N, Barnett, B-A-R-N-E-T-T.  
 21 THE HEARING OFFICER: Thank you. If  
 22 you could raise your right hand. Do you  
 23 solemnly swear or affirm to tell the truth at  
 24 this proceeding?  
 25 MS. BARNETT: Yes, I do.

33

1 JEAN SEVERIN - 06/24/16  
 2 Specifications are in evidence. I don't mean to  
 3 interrupt, so I don't think that you need to  
 4 read them into the record. They're now in  
 5 evidence as Department's 1.  
 6 MR. FRANCIS: The Department intends  
 7 to prove beyond preponderance of evidence 18  
 8 charges against the respondent, Jean Severin.  
 9 The Department will introduce a number of  
 10 witnesses that will support these charges. We  
 11 will hear from Ms. Jordan Barnett who is the  
 12 Assistant Principal. We will hear from Steven  
 13 Dorsey [phonetic] who's the Principal, and we  
 14 will identify the IT Specialist who will  
 15 introduce certain evidence in this case. At the  
 16 end of Department's case, the Department will  
 17 ask you, the arbitrator, to find for the  
 18 Department on each and every specification that  
 19 we shall prove, and at the end of the day, we  
 20 ask that in terms of penalty for these, we just  
 21 ask that the respondent be terminated.  
 22 THE HEARING OFFICER: Okay. Thank you  
 23 very much. Would the respondent at this time  
 24 like to make an opening?  
 25 MR. MASSENA: Respectfully, the

32

1 JEAN SEVERIN - 06/24/16  
 2 THE HEARING OFFICER: Mr. Francis, --  
 3 [00:01].  
 4 MR. FRANCIS: Yes, thank you.  
 5 DIRECT EXAMINATION  
 6 BY MR. FRANCIS  
 7 Q. Ms. Barnett, would you please tell the  
 8 Arbitrator whom you're employed by.  
 9 A. I'm employed by the New York City  
 10 Department of Education.  
 11 Q. And how long have you been so employed?  
 12 A. Since August, 2006.  
 13 Q. Okay. And what schools have you worked at?  
 14 A. I'm worked at August Martin High School. I  
 15 worked at John Adams High School, Middle School 226  
 16 and current Urban Action Academy.  
 17 Q. And how long have you been at Urban Action  
 18 Academy?  
 19 A. This is the end of my third year.  
 20 Q. Okay. And what is your title at Urban  
 21 Action Academy?  
 22 A. I'm the Assistant Principal.  
 23 Q. And what are your duties and  
 24 responsibilities as an assistant principal?  
 25 A. I supervise the guidance department,

34

1 BARNETT - DIRECT - FRANCIS  
2 special education department, compliance and  
3 instruction, ESL, foreign language, all operations  
4 including attendance, policies, anything to do with  
5 the main office--what else is there--testing  
6 coordinator, and I believe that might be it.  
7 Q. Okay. Do you know of an individual by the  
8 name of Jean Severin?  
9 A. Yes.  
10 Q. And how do you know Jean Severin?  
11 A. He's one of our teachers at Urban Action  
12 Academy.  
13 Q. Okay. And how long have you known  
14 respondent Jean Severin?  
15 A. Two years.  
16 Q. Okay. As part of your duties and  
17 responsibilities, are you also responsible for doing  
18 observations formal and/or informal observations of  
19 teachers?  
20 A. Yes, for instruction, yes.  
21 Q. And on or about April 4, 2016, did there  
22 come a time when as the respondent, Severin left the  
23 school facility?  
24 A. Yes.  
25 Q. Approximately what time did he leave the

35

1 BARNETT - DIRECT - FRANCIS  
2 Q. Okay. And what time is indicated on the  
3 sign-out sheet for respondent Severin?  
4 A. 12:20.  
5 Q. And that's on April 4, correct?  
6 A. Yes, that's correct.  
7 Q. All right.  
8 MR. FRANCIS: I'd ask that  
9 Department's 3 for identification be moved into  
10 evidence at this time.  
11 MR. MASSENA: Brief opportunity to  
12 voir dire?  
13 THE HEARING OFFICER: Absolutely.  
14 MR. MASSENA: Thank you.  
15 VOIR DIRE EXAMINATION  
16 BY MR. MASSENA  
17 Q. Assistant Principal, Barnett--  
18 A. [Interposing] Yes.  
19 Q. --my name is Alain Massena. I represent  
20 the Dr. Severin. I'm just going to ask you a few  
21 questions. How is this staff sign-out sheet how is  
22 it maintained?  
23 A. It's maintained in a binder in the main  
24 office.  
25 Q. Okay. And by whose responsibility is it to

37

1 BARNETT - DIRECT - FRANCIS  
2 facility?  
3 A. It was period six, so that was about 12:20.  
4 Q. Okay.  
5 MR. FRANCIS: And I have in my hand a  
6 one-page document that I ask be marked  
7 Department's 3 for identification. I have a  
8 copy for the arbitrator and have a copy for the  
9 respondent.  
10 THE HEARING OFFICER: All right. So  
11 I'm going to mark this as Department 3 for  
12 identification.  
13 Q. Now with respect to Department's 3, do you  
14 recognize Department's 3 for identification?  
15 A. Yes.  
16 Q. And what do you recognize it to be?  
17 A. This is our staff sign-in sheet for Urban  
18 Action Academy--  
19 Q. [Interposing] Okay.  
20 A. --sorry, our sign-out sheet.  
21 Q. Okay. Now with respect to this data sign-  
22 out sheet, does respondent Severin's name and/or  
23 signature appear on the document?  
24 A. Yes. It appears fifth line from the  
25 bottom.

36

1 BARNETT - VOIR DIRE - MASSENA  
2 maintain the school sign-out sheet?  
3 A. The school secretary.  
4 Q. Okay. And what is the school's secretary's  
5 name?  
6 A. Beverly Townsend.  
7 Q. Okay. And it's Ms. Townsend's  
8 responsibility to make sure that this is in order?  
9 A. Yes.  
10 Q. And there's no opportunity to fabricate or  
11 any opportunity, well, there's no opportunity to  
12 fabricate? That's Ms. Townsend's responsibility?  
13 A. Yes.  
14 Q. Okay.  
15 MS. MASSENA: I object to this being  
16 offered into evidence.  
17 THE HEARING OFFICER: On what grounds,  
18 sir?  
19 MR. MASSENA: There hasn't been a  
20 proper foundation.  
21 THE HEARING OFFICER: Mr. Francis?  
22 MR. FRANCIS: There is a proper  
23 foundation that has been laid.  
24 THE HEARING OFFICER: Is the  
25 Department offering this document Mr. Francis as

38

Sheet 5

39

1 BARNETT - VOIR DIRE - MASSENA  
 2 a business record?  
 3 MR. FRANCIS: That's correct.  
 4 THE HEARING OFFICER: All right. Why  
 5 don't you lay a foundation for that, and I'll  
 6 revisit this.  
 7 DIRECT EXAMINATION  
 8 BY MR. FRANCIS  
 9 Q. Is staff sign-out sheet kept in the  
 10 ordinary course of business of the school?  
 11 A. Absolutely.  
 12 Q. Is the writing on this document  
 13 contemporaneously done when the teacher sign the  
 14 document?  
 15 A. Yes. It's done as they sign out.  
 16 Q. And is that done in the ordinary course of  
 17 business of at the school?  
 18 A. Yes.  
 19 Q. Is the document maintained at the school in  
 20 the ordinary course of business at the school?  
 21 A. Yes, it is.  
 22 MR. FRANCIS: At this time, I'd ask  
 23 that the Department's 3 for identification be --  
 24 [00:01] into evidence as a business record at  
 25 this time.

40

1 BARNETT - DIRECT - FRANCIS  
 2 THE HEARING OFFICER: Mr. Massena,  
 3 I'll allow you to be heard if you like.  
 4 VOIR DIRE EXAMINATION  
 5 BY MR. MASSENA  
 6 Q. In maintaining this document, Assistant  
 7 Principal Barnett once again it's not your  
 8 responsibility. Is that correct?  
 9 A. I oversee the school secretary.  
 10 Q. How do you do so?  
 11 A. I'm her supervisor.  
 12 Q. Okay. And how often do you oversee her?  
 13 A. Every day, I'm in charge of operations.  
 14 She's part of the operational team as far as the  
 15 daily ongoing of the day, and this is one of her  
 16 responsibilities.  
 17 MR. MASSENA: I'll withdraw the  
 18 objection at this time.  
 19 THE HEARING OFFICER: All right.  
 20 Department 3 is in evidence  
 21 DIRECT EXAMINATION  
 22 BY MR. FRANCIS  
 23 Q. In addition to your duties and  
 24 responsibilities, are you also required to perform  
 25 the formal and/or informal observations of teachers?

41

1 BARNETT - VOIR DIRE - MASSENA  
 BARNETT - DIRECT - FRANCIS  
 2 A. Yes.  
 3 Q. And how often is that done?  
 4 A. That's done regularly. I'm going to say it  
 5 could be monthly or bi-monthly. It depends. A  
 6 teacher may select to have four observations be  
 7 selected at the end of the year, or they select six  
 8 observations, so we do based on what they select. So  
 9 it could be monthly, could be bi-monthly.  
 10 Q. With respect to specification one--let's  
 11 refer to specification one as that is on or about  
 12 th  
 April 4, 2016, it indicates that the respondent  
 13 signed out and left the school building without  
 14 approval at 12:20 p.m. and did not return at this  
 15 post assignments period seven prep and period eight  
 16 law class, and it shows you the sign-out sheet which  
 17 is now in evidence as Department's 3 in evidence. As  
 18 a result of the respondent Severin signing out of the  
 19 building and not returning, did you have a what is  
 20 called a disciplinary meeting with respondent  
 21 Severin?  
 22 A. Yes.  
 23 Q. And was that meeting held on April 13 ,  
 24 2016?  
 25 A. Yes, it was.

th

42

1 BARNETT - DIRECT - FRANCIS  
 2 Q. Okay. And is that meeting memorialized in  
 3 any way?  
 4 A. Yes, it is.  
 5 Q. Okay. I'm going to show you what is now  
 6 marked Department's 4 for identification.  
 7 MR. FRANCIS: And I have copy for the  
 8 arbitrator, and I a copy for the respondent.  
 9 THE HEARING OFFICER: Okay. So I'll  
 10 mark this as Department's Exhibit 4 for  
 11 identification.  
 12 Q. And I'm going to show you Department's 4  
 13 for identification and ask you if you recognize the  
 14 document.  
 15 A. Yes, I recognize.  
 16 Q. And what do you recognize it to be?  
 17 A. This is a disciplinary letter to file.  
 18 This is how I memorialized our disciplinary meeting  
 19 that I wrote.  
 20 Q. Okay. And is that your signature towards  
 21 the bottom of the Department's 4 for identification?  
 22 A. Yes, I signed this.  
 23 Q. And also, is there another signature at the  
 24 bottom of Department's 4 for identification?  
 25 A. Yes. The second signature is.

Sheet 6

43

1 BARNETT - DIRECT - FRANCIS  
 2 Q. And whose signature is that?  
 3 A. Dr. Severin.  
 4 Q. And I see that there's a date next to the  
 5 signature of respondent, and what date is that?  
 6 th  
 7 A. That is April 14 , 2016.  
 8 Q. Okay.  
 9 MR. FRANCIS: I ask that Department's  
 10 4 for identification be moved into evidence at  
 11 this time.  
 12 MR. MASSENA: No objection.  
 13 THE HEARING OFFICER: Department 4 is  
 14 in evidence.  
 15 Q. I draw your attention to specification 11  
 16 nd  
 17 which indicates on or about November 22 , 2015  
 18 respondent failed to follow directly given by  
 19 administration by period 211 plans for three weeks to  
 20 administration.  
 21 MR. FRANCIS: I have in my hand --  
 22 [00:01] documents for which I have a copy for  
 23 the arbitrator and a copy for respondent.  
 24 THE HEARING OFFICER: Okay. I have  
 25 marked as Department's Exhibit 5 for  
 identification.  
 Q. As part of your duties and

44

1 BARNETT - DIRECT - FRANCIS  
 2 responsibilities, are you also responsible formal  
 3 and/or informal observations?  
 4 A. Yes. I'm responsible for both.  
 5 Q. Okay. Did you in fact do an informal  
 6 th  
 7 observation of respondent Severin on October 29 ,  
 8 2015?  
 9 A. Yes.  
 10 Q. Did you take notes during your observation?  
 11 A. Yes, I did.  
 12 Q. Okay. I'm going to show you what I asked  
 13 to be marked Department's 5--  
 14 THE HEARING OFFICER: [Interposing] 5  
 15 is this document already handed up.  
 16 Q. --Department's 6 for identification. Do  
 17 you recognize--  
 18 MR. FRANCIS: [interposing] I have  
 19 copy for arbitrator, and I also have a copy for  
 20 the respondent.  
 21 THE HEARING OFFICER: I will mark this  
 22 latest document as Department Exhibit 6 for  
 23 identification.  
 24 Q. Do you recognize Department 6 for  
 25 identification?  
 A. Yes.

45

1 BARNETT - DIRECT - FRANCIS  
 2 Q. And what do you recognize it to be?  
 3 A. These are my handwritten notes from the  
 4 informal observation for Dr. Severin.  
 5 Q. Is that for the observation that occurred  
 6 on, excuse me, the observation that was on October  
 7 th  
 8 29 , 2015. Is that correct?  
 9 A. That's correct, yes.  
 10 [Background noise]  
 11 Q. I'm going to show you also Department's 5.  
 12 THE HEARING OFFICER: Let's go off the  
 13 record for a moment.  
 14 [OFF THE RECORD]  
 15 [ON THE RECORD]  
 16 THE HEARING OFFICER: Let's go back  
 17 on.  
 18 Q. This is Department's 5 for identification.  
 19 I'm going to show you 5 for identification. Do you  
 20 recognize these documents?  
 21 A. Yes, I do.  
 22 Q. And what do you recognize those documents  
 23 to be?  
 24 A. The one on top this is a disciplinary  
 25 letter from myself to Dr. Severin following a  
 disciplinary meeting. Beneath that is the informal

46

1 BARNETT - DIRECT - FRANCIS  
 2 observation written report that I wrote with  
 3 feedback.  
 4 Q. And I see at the bottom of the last page of  
 5 Department's 5 for identification, I see certain  
 6 signatures at the bottom of the document, correct?  
 7 A. Correct.  
 8 Q. Whose signature appears there dated  
 9 th  
 10 December 15 , 2015?  
 11 A. The first signature is teacher's signature,  
 12 Dr. Severin, and the second signature is my  
 13 signature.  
 14 Q. Okay. At this time, I'd also like for you  
 15 to look at this page of Department's 5 for  
 16 identification. Do you recognize that document?  
 17 A. Yes.  
 18 THE HEARING OFFICER: What document  
 19 are you showing the witness, counsel? I'm  
 20 confused.  
 21 MR. FRANCIS: I'm sorry.  
 22 THE HEARING OFFICER: It's okay.  
 23 MR. FRANCIS: Department 6.  
 24 THE HEARING OFFICER: That's not 6 as  
 25 I have it. I have documents that are stapled  
 together.

47

1 BARNETT - DIRECT - FRANCIS  
 2 MR. FRANCIS: It's 5.  
 3 THE HEARING OFFICER: Yeah, well, also  
 4 I have something that you haven't made reference  
 5 to that I think you handed to me perhaps  
 6 mistakenly which is an email, so let's go off  
 7 the record, so we can try to straighten this  
 8 out.  
 9 [OFF THE RECORD]  
 10 [ON THE RECORD]  
 11 THE HEARING OFFICER: Let's go back on  
 12 the record. Do you want to offer this into  
 13 evidence now?  
 14 MR. FRANCIS: Yes.  
 15 THE HEARING OFFICER: All right. So  
 16 let's do that on the record, and we'll hear  
 17 whatever objections if any you have. Are we on?  
 18 Okay, have we been on all this time, so we're  
 19 back on the record, and it's my understanding  
 20 that the Department at this time would like to  
 21 offer Department 5 into evidence. Is that  
 22 correct?  
 23 MR. FRANCIS: That is correct.  
 24 THE HEARING OFFICER: Okay. Mr.  
 25 Massena?

48

1 BARNETT - DIRECT - FRANCIS  
 2 MR. MASSENA: No objection, Your  
 3 Honor.  
 4 THE HEARING OFFICER: All right. So  
 5 Department 5 a multi-page document is now in  
 6 evidence.  
 7 Q. With respect to Department's 5 in evidence,  
 8 did you direct the respondent Severin to supply you  
 9 or to schedule with you a date in time so that you  
 10 can offer him a support in his lesson plan  
 11 development?  
 12 A. Yes.  
 13 Q. Okay. Is that memorialized through emails?  
 14 A. Yes. It is.  
 15 Q. Okay. And I show you Department's 5 in  
 16 evidence. Are those the emails that you sent to  
 17 respondent Severin asking him to meet with you--  
 18 A. [Interposing] Yes.  
 19 Q. --and set up a time for -- [00:02] for  
 20 development to proceed?  
 21 A. Yes.  
 22 Q. Okay, thank you. And that is in support of  
 23 specification 11.  
 24 [Background noise]  
 25 MR. FRANCIS: I think I have not moved

49

1 BARNETT - DIRECT - FRANCIS  
 2 Department's 6 into evidence. I ask that  
 3 Department's 6 be moved into evidence at this  
 4 time.  
 5 THE HEARING OFFICER: Okay, Mr.  
 6 Massena.  
 7 MR. MASSENA: Just a moment to take a  
 8 look with my client, Your Honor?  
 9 THE HEARING OFFICER: Sure.  
 10 MR. MASSENA: Thank you.  
 11 THE HEARING OFFICER: Um-hum.  
 12 [Background noise]  
 13 MR. MASSENA: No objection.  
 14 THE HEARING OFFICER: All right.  
 15 Department's 6 is in evidence.  
 16 MR. FRANCIS: Nothing further at this  
 17 time for this witness.  
 18 THE HEARING OFFICER: Okay. Let's go  
 19 off the record for a moment.  
 20 [OFF THE RECORD]  
 21 [ON THE RECORD]  
 22 THE HEARING OFFICER: Let's go on the  
 23 record -- [00:02]. All right, so we're going to  
 24 just take a short break before cross-examination  
 25 commences. Thanks very much. Let's go back off

50

1 BARNETT - DIRECT - FRANCIS  
 2 the record.  
 3 [OFF THE RECORD]  
 4 [ON THE RECORD]  
 5 THE HEARING OFFICER: And we're back.  
 6 Mr. Massena, would you like to commence with  
 7 your cross-examination?  
 8 MR. MASSENA: Yes, -- [00:01].  
 9 CROSS-EXAMINATION  
 10 BY MR. MASSENA  
 11 Q. Okay. Assistant Principal Barnett my  
 12 name's Alain Massena. I represent Dr. Severin. I'm  
 13 going to ask you a few questions. If you have any  
 14 trouble with the questions I'm asked you, just ask me  
 15 to repeat them. I'll be more than happy to do so.  
 16 Ms. Barnett, how long have you known Principal  
 17 Dorsey?  
 18 A. Known Principal Dorsey since 2009 to  
 19 present.  
 20 Q. Okay. And how did you meet Principal  
 21 Dorsey?  
 22 A. We were working at John Adams together.  
 23 Q. Okay. What was his role at John Adams at  
 24 the time that you met him?  
 25 A. He was the assistant principal.

1 BARNETT - CROSS - MASSENA  
 2 Q. Okay. And what was your role?  
 3 A. I was the guidance counselor.  
 4 Q. And how did your relationship with him  
 5 progress?  
 6 MR. FRANCIS: Objection, relevance.  
 7 THE HEARING OFFICER: What you mean by  
 8 relationship?  
 9 MR. MASSENA: Their physical  
 10 relationship.  
 11 THE HEARING OFFICER: Okay. No, I'll  
 12 permit the question -- [00:02].  
 13 A. Okay. How did it progress? He was an  
 14 assistant principal who became a principal. I was a  
 15 guidance counselor who became an assistant principal  
 16 at 226. After John Adams, I went to 226, and once he  
 17 became a principal, he asked that I come on as one of  
 18 his assistant principals.  
 19 Q. Okay. And when was that?  
 20 A. I came I'd say August--this is three ago,  
 21 so this is 2016--2013.  
 22 Q. And as the assistant principal to Principal  
 23 Dorsey, what do you consider your primary role to be  
 24 as his assistant principal?  
 25 A. As far as my responsibilities--

1 BARNETT - CROSS - MASSENA  
 2 Q. [Interposing] To him?  
 3 A. --I supervise guidance team. I supervise  
 4 special ed compliance and instruction, ESL, foreign  
 5 language, operations, attendance, test coordinator,  
 6 so I'm considered his right hand person.  
 7 Q. Okay. So you're considered his right-hand  
 8 person. Is that correct?  
 9 A. Um-hum.  
 10 Q. Is it fair to say that it's responsibility  
 11 to support his agenda. Is that correct?  
 12 MR. FRANCIS: Objection.  
 13 THE HEARING OFFICER: Overruled.  
 14 A. It's my responsibilities to support his  
 15 goas.  
 16 Q. Okay. And to follow through on objectives  
 17 that he would like to get accomplished in the school.  
 18 Is that fair to say?  
 19 A. Yes.  
 20 Q. Okay. And when he's not available to  
 21 follow through on a particular item, you step in. Is  
 22 that correct?  
 23 A. That's correct.  
 24 Q. And to the best of your ability, is it fair  
 25 to say you act in a manner that's consistent with how

1 BARNETT - CROSS - MASSENA  
 2 he would act?  
 3 A. Yes.  
 4 Q. Okay. Now is it fair to say that over the  
 5 course of the last two years, that you've had--  
 6 withdrawn. Is it fair to say that within the last  
 7 two years you've had a significant amount of contact  
 8 with Dr. Severin?  
 9 A. That's fair to say.  
 10 Q. And is it fair to say that it's been  
 11 somewhat more so than some of the other teachers in  
 12 your school?  
 13 A. No.  
 14 Q. Now how would you describe your  
 15 relationship with Dr. Severin?  
 16 A. Professional relationship, teacher-  
 17 supervisor. I think that's all I can really say.  
 18 It's a professional relationship, and I'm a  
 19 supervisor.  
 20 Q. How would you describe the relationship  
 21 between Dr. Severin and Principal Dorsey?  
 22 A. Again, Dr. Severin and Principal Dorsey,  
 23 Principal Dorsey's actually Dr. Severin's direct  
 24 supervisor, so they have more interaction than I have  
 25 so professional.

1 BARNETT - CROSS - MASSENA  
 2 Q. You've had an opportunity to see them  
 3 interact. Is that correct?  
 4 A. Yes, I have.  
 5 Q. Okay, over the last few years?  
 6 A. Two years.  
 7 Q. Two years. And is it fair to say that at  
 8 certain times that relationship has been toxic?  
 9 A. It's fair to say.  
 10 Q. So it's gone beyond just professional. Is  
 11 that correct?  
 12 A. No.  
 13 Q. Now at some point in time, you were  
 14 investigated by SCI. Is that correct?  
 15 A. No.  
 16 MR. FRANCIS: Objection.  
 17 THE HEARING OFFICER: Mr. Massena,  
 18 what is the relevance?  
 19 MR. MASSENA: The relevance Your Honor  
 20 is that it's our position that many of these  
 21 specifications are based on a violation of --  
 22 [00:02].  
 23 THE HEARING OFFICER: Okay. So this  
 24 is SCI investigation that you're making  
 25 reference to in your question to this witness



1 BARNETT - CROSS - MASSENA  
 2 has something with respondent, your client?  
 3 MR. MASSENA: Yes.  
 4 THE HEARING OFFICER: All right. I'm  
 5 going to overrule the objection.  
 6 MR. MASSENA: Thank you.  
 7 Q. Did there come at time within the last two  
 8 years that you were investigated by Michael Romano or  
 9 questioned by Michael Romano?  
 10 A. I was never investigated.  
 11 Q. You were questioned?  
 12 A. Yeah.  
 13 Q. Okay. Did you appreciate being questioned?  
 14 A. I don't mind being questioned. It's part  
 15 of the job.  
 16 Q. Okay. And the line of this question was in  
 17 regards to the relationship between Principal Dorsey  
 18 and Dr. Severin. Is that correct?  
 19 A. No. That wasn't the investigation. That  
 20 wasn't the purpose of the investigation.  
 21 Q. Okay. So the investigation did involve  
 22 Principal Dorsey and Dr. Severin. Is that correct?  
 23 A. It didn't involve Dr. Severin as far as I  
 24 know directly. I could assume it was Severin, but I  
 25 was never told that this Dr. Severin.

1 BARNETT - CROSS - MASSENA  
 2 Q. Okay. So why don't you tell us about that  
 3 investigation?  
 4 MR. FRANCIS: Objection and I move to  
 5 strike this testimony.  
 6 THE HEARING OFFICER: -- [00:02].  
 7 MR. FRANCIS: Grounds of an SCI  
 8 investigation -- [00:02] already testified that  
 9 she was not the subject of any investigation,  
 10 and therefore, she can't comment on an  
 11 investigation that she was not a part of.  
 12 THE HEARING OFFICER: Well, we don't  
 13 know whether she can or cannot comment on it. I  
 14 think the purpose of the line of questioning is  
 15 find out what this witness knows. There's been  
 16 a proffer made by counsel that the respondent  
 17 had a part to play presumably in this complaint.  
 18 When you say investigation, is that what's I'm  
 19 hearing?  
 20 MR. MASSENA: Yes.  
 21 THE HEARING OFFICER: Okay. So I'm  
 22 going to overrule the objection, and we'll hear  
 23 the testimony.  
 24 Q. You can answer the question.  
 25 A. The investigation that I was questioned on

1 BARNETT - CROSS - MASSENA  
 2 was regarding two regents, regarding one students and  
 3 whether or Mrs. Beverly or any teachers who were  
 4 asked--it was actually any teachers were asked to  
 5 change grades or student recorded answers on the  
 6 regents. That's what I was asked about.  
 7 Q. Okay. And one of the questions you were  
 8 asked specifically was whether Principal Dorsey asked  
 9 the teacher to change a grade. Is that correct?  
 10 A. Yes.  
 11 Q. Okay. And do you recall when you were made  
 12 a part of this investigation?  
 13 MR. FRANCIS: Objection, witness has  
 14 already testified that she was not a subject or  
 15 part of the investigation. She was only  
 16 questioned.  
 17 THE HEARING OFFICER: Well, that's  
 18 what I heard, and then, the witness also made  
 19 reference to generally an investigation, but  
 20 it's not my understanding from the witness'  
 21 testimony that she was not the subject of the  
 22 investigation but nonetheless was questioned by  
 23 SCI. That's my understanding, so if you want to  
 24 continue.  
 25 Q. Ma'am, do you recall when you were

1 BARNETT - CROSS - MASSENA  
 2 questioned?  
 3 A. I cannot recall clearly, but I'm going to  
 4 say it's within a year, so it could be around or  
 5 January or February.  
 6 Q. Of 2014 or 2015?  
 7 A. 2015, December and maybe January, February,  
 8 2016. I can't recall clearly, but it's definitely  
 9 this school year, and it's mid-school year.  
 10 Q. And to your knowledge, do you know whether  
 11 or not Principal Dorsey was also questioned in  
 12 regards to this investigation?  
 13 A. I believe he was.  
 14 Q. Did the information or the news of this  
 15 investigation spread throughout the school? Do you  
 16 know if other teachers knew about the investigation?  
 17 A. I believe other teachers were questioned  
 18 about this investigation as well.  
 19 Q. Now you indicated in reference to  
 20 specification 1 that based on the information that  
 21 you have, Dr. Severin failed to sign out, correct,  
 22 okay.  
 23 A. No, that's not correct.  
 24 Q. I'm sorry, did sign out. Is that correct?  
 25 A. Yes.

1 BARNETT - CROSS - MASSENA  
 2 Q. What is the protocol for teachers who are  
 3 signing out prior to the end of their work day?  
 4 A. Teachers who are assigning out prior to  
 5 their work day. If you're leaving, and you still  
 6 you're on as far as your work day, you need to get  
 7 approval from an administration, so that we're aware  
 8 that you need to be covered. And then, you can sign  
 9 out in the sign-out book.  
 10 Q. Who is notice supposed to be given to?  
 11 A. From a teacher--  
 12 Q. [Interposing] Yes.  
 13 A. --to sign out? Their direct supervisor  
 14 unless there's an issue. You can speak to any  
 15 administrator.  
 16 Q. So that notice is typically given to their  
 17 direct supervisor?  
 18 A. Unless there's an issue -- [00:02] another  
 19 administrator.  
 20 THE HEARING OFFICER: Just keep your  
 21 voice up, please.  
 22 MS. BARNETT: Oh, sorry.  
 23 Q. And you stated earlier that Dr. Severin's  
 24 direct supervisor was Principal Dorsey. Is that  
 25 correct?

1 BARNETT - CROSS - MASSENA  
 2 A. That's correct.  
 3 Q. Okay. And do you recall whether or not  
 4 Principal Dorsey was the subject of that  
 5 investigation that we spoke about earlier?  
 6 A. No. He was the subject. As far as I know,  
 7 I think the investigation was of how the regents  
 8 whether or not Mr. Dorsey asked to have student  
 9 report interest changed.  
 10 Q. Could you repeat that -- [00:02]? I didn't  
 11 -- [00:02]. Could you repeat that?  
 12 A. Whether or not Principal Dorsey asked to  
 13 have student answers changed on the regents.  
 14 Q. Okay. And you also said Principal Dorsey  
 15 is Dr. Severin's direct supervisor. Is that correct?  
 16 A. Um-hum.  
 17 Q. Okay. And, again, if you know--but I  
 18 believe you said, and please correct if my memory's  
 19 incorrect--you stated earlier during cross-  
 20 examination that you assume that Dr. Severin had made  
 21 the complaint, is that correct, or you didn't know?  
 22 A. I didn't say I assume that.  
 23 Q. Okay.  
 24 A. That's not what I said.  
 25 Q. Okay, just wanted to clarify. Now so the

1 BARNETT - CROSS - MASSENA  
 2 protocol is to speak to a direct supervisor, correct?  
 3 A. Um-hum.  
 4 Q. Okay.  
 5 THE HEARING OFFICER: You have to say  
 6 yes or no.  
 7 MS. BARNETT: I'm sorry.  
 8 A. Yes, that's correct.  
 9 Q. And now within the last two years, had Dr.  
 10 Severin ever asked you whether--withdrawn. What's  
 11 the protocol for when a teacher's child is sick, and  
 12 they have to leave the school early?  
 13 A. You speak to a supervisor, and let the me  
 14 know what's going on, and you just get clearance.  
 15 And you just sign out.  
 16 Q. Okay.  
 17 A. And then that way we will cover your  
 18 classes.  
 19 Q. What's the protocol is a teacher falls ill?  
 20 A. If a teach them self falls ill, you still  
 21 have to speak to a supervisor, so that we are aware  
 22 that we have to give an emergency coverage.  
 23 Q. Um-hum.  
 24 A. And then, you sign out, and that's it.  
 25 Q. Okay. Now do you recall a time within the

1 BARNETT - CROSS - MASSENA  
 2 last two years with Dr. Severin indicated to you that  
 3 he just received a call that his child is sick?  
 4 A. Yes. Actually, no, he didn't tell me his  
 5 child was sick.  
 6 Q. Okay. What did he tell you?  
 7 A. He told me that he had to go to his child's  
 8 school.  
 9 Q. Okay. What did you take that to mean?  
 10 A. Just what it is. That's my job to  
 11 interpret. I took it as he had to go to the child's  
 12 school.  
 13 Q. Okay. And you denied his request to go to  
 14 his child's school. Isn't that correct?  
 15 A. I did not.  
 16 Q. You did not deny that request?  
 17 A. No.  
 18 Q. Do you know whether or not Dr. Severin was  
 19 allowed to go to his child's school?  
 20 A. I don't know.  
 21 Q. Did you care?  
 22 MR. FRANCIS: Objection.  
 23 THE HEARING OFFICER: Sustained.  
 24 [Background noise]  
 25 Q. Regarding specification 1, when did you

Sheet 11

63

1 BARNETT - CROSS - MASSENA  
 2 become aware that Dr. Severin supposedly signed  
 3 himself out? When did you become aware of that?  
 4 A. After he left the building.  
 5 Q. Okay. How did you become aware of that?  
 6 A. The secretary who's responsible for the  
 7 book let me know.  
 8 Q. Okay. Did you attempt to reach Dr. Severin  
 9 by cellphone?  
 10 A. No, I did not.  
 11 Q. Okay. Did you do any sort of investigation  
 12 to determine why he had left the school?  
 13 A. I alerted the principal who is his direct  
 14 supervisor.  
 15 Q. Okay. And do you know what if any action  
 16 was taken to cover the eighth period class?  
 17 A. We had to pull teachers in. We had to  
 18 quickly figure who was going to cover without --  
 19 [00:02] other teachers' contract.  
 20 Q. Okay. But the last was covered. Is that  
 21 correct?  
 22 A. Yeah, we had to.  
 23 Q. And the seventh period prep that's a not a  
 24 class, right, correct?  
 25 A. No. But it is a paid instructional

64

1 BARNETT - CROSS - MASSENA  
 2 assignment.  
 3 Q. Okay. Was there ever an inquiry as to Dr.  
 4 Severin as to why he had to leave that day if he did  
 5 leave that day?  
 6 A. He left that day.  
 7 Q. Did you see him leave?  
 8 A. I saw him sign out. I saw his signature  
 9 where he signed out. He wrote 12:20 on the sign-out  
 10 sheet.  
 11 Q. He saw him sign?  
 12 A. I saw his signature.  
 13 [Crosstalk]  
 14 A. I didn't him sign myself to watch him, I  
 15 didn't see him sign. I saw the sign-in sheet after  
 16 he left--  
 17 Q. [Interposing] Okay.  
 18 A. --when the secretary alerted me.  
 19 Q. So this is a yes or no question. Did you  
 20 see him sign the sheet?  
 21 A. No.  
 22 Q. Okay. And did you see him leave the  
 23 building?  
 24 A. No.  
 25 Q. Did you observe video of him leaving the

65

1 BARNETT - CROSS - MASSENA  
 2 building?  
 3 A. No.  
 4 Q. Okay. So you did not see him leave the  
 5 building. Is that correct?  
 6 A. No, I did not.  
 7 Q. Thank you. And, again, you did not inquire  
 8 as to why he left if he left, correct?  
 9 A. So the way I inquired what I did was a  
 10 disciplinary meeting.  
 11 Q. Um-hum.  
 12 A. And the purpose of a disciplinary meeting  
 13 is to provide a teacher or a staff member the  
 14 opportunity to explained whatever they are being  
 15 accused of.  
 16 Q. Okay. Were you upset with Dr. Severin at  
 17 this disciplinary meeting?  
 18 MR. FRANCIS: Objection.  
 19 THE HEARING OFFICER: Were you upset.  
 20 Mr. Massena, what is the relevance of what her  
 21 state of mind or emotion was?  
 22 MR. MASSENA: To demonstrate Your  
 23 Honor that this is a toxic environment, that  
 24 these allegations that are being put forward  
 25 are--

66

1 BARNETT - CROSS - MASSENA  
 2 THE HEARING OFFICER: [Interposing]  
 3 I'm going to stop you there. Otherwise, I'm  
 4 going to have to ask the witness to step out.  
 5 Mr. Francis, do you want to be heard on this in  
 6 a brief, succinct way?  
 7 [Background noise]  
 8 MR. FRANCIS: It's irrelevant.  
 9 THE HEARING OFFICER: No. I'm going  
 10 to overrule the object and permit the question.  
 11 You can answer.  
 12 A. No.  
 13 Q. Okay. Now I'd like to draw your attention  
 14 to speciation 11, okay. Now you indicated earlier  
 15 that Principal Dorsey is the direct supervisor for  
 16 Dr. Severin. Is that correct?  
 17 A. That's correct.  
 18 Q. And how is it that you came to observe Dr.  
 19 Severin's class on October 29, 2015?  
 20 A. Okay. There's two ways. As an  
 21 administrator, I do have the right to observe any  
 22 teacher in the building, but I'm direct supervisor.  
 23 That's my right, and secondly, the superintendent,  
 24 Mr. Dorsey's supervisor directed--even though Mr.  
 25 Dorsey's his direct supervisor he ask that I take on

1 BARNETT - CROSS - MASSENA  
 2 the responsibility as a direct supervisor also to be  
 3 fair to also say, okay, well, if Mr. Dorsey's  
 4 observing him, we also need to get a different lens  
 5 of observation. So he's not the only observing him  
 6 and giving him observations and giving him ratings to  
 7 give an opportunity to have a different lens in the  
 8 classroom, so I was that other lens.  
 9 Q. Okay.  
 10 A. And that was the directive of the  
 11 superintendent.  
 12 Q. Okay. Was that because Principal Dorsey  
 13 had become biased towards Dr. Severin?  
 14 MR. FRANCIS: Objection, calls for  
 15 speculation.  
 16 THE HEARING OFFICER: No, overruled.  
 17 A. Had he become biased as far as his  
 18 instruction?  
 19 Q. No. Biased towards Dr. Severin as a whole?  
 20 A. I'm not aware.  
 21 Q. Are you aware that there was a cooling off  
 22 period that had been set by the superintendent  
 23 between Principal Dorsey and Dr. Severin?  
 24 A. Yes. So that's actually what I'm talking  
 25 about. That's what it's called it was called a

1 BARNETT - CROSS - MASSENA  
 2 cooling period.  
 3 Q. Um-hum.  
 4 A. But he had me go in and assume some of  
 5 those responsibilities and Mr. Dorsey not go into the  
 6 classroom.  
 7 Q. So it's your interpretation a cooling off  
 8 period means that emotions are at a high pitch. Is  
 9 that fair?  
 10 MR. FRANCIS: Objection.  
 11 THE HEARING OFFICER: It's cross-  
 12 examination. Counsel can ask the question.  
 13 A. No, I don't agree.  
 14 Q. Fine, you don't agree, so cooling off  
 15 period does that mean that both parties need some  
 16 time apart. Is that a fair description of a cooling  
 17 off period?  
 18 A. I just don't agree with the verbiage time  
 19 apart. It just sounded it's an emotional situation,  
 20 and it was not emotional. It's more of a  
 21 professional situation where as far as instruction,  
 22 Mr. Dorsey did his observations. He gave him  
 23 feedback. He asked me to go in instead because the  
 24 superintendent told him cooling off period, but  
 25 everyone has to be supervised. And everyone's still

1 BARNETT - CROSS - MASSENA  
 2 responsible and must get observed, so I don't agree  
 3 with the verbiage related to emotional attachment. I  
 4 just think that's the verbiage that the  
 5 superintendent chose to use 'cause that's not actual  
 6 deal in limbo.  
 7 Q. Now you had indicated that he failed to  
 8 follow directions given by administration this  
 9 applied period two lessons plans.  
 10 A. Yes.  
 11 Q. Okay. Had you ever received a request from  
 12 Dr. Severin regarding a laptop that he had his  
 13 lessons plan saved on?  
 14 A. Yes.  
 15 Q. Okay. Could you share that with the  
 16 arbitrator?  
 17 A. Okay. So Dr. Severin asked for the laptop,  
 18 and there're that are DOE property.  
 19 Q. Um-hum.  
 20 A. They're collected at the end of every year.  
 21 You are not guaranteed the same laptop back unless  
 22 you actually did not turn it in and kept it which you  
 23 can do. As long as you fill out paperwork, you can  
 24 keep the laptop over the summer. That's not a  
 25 problem. Dr. Severin apparently turned in his

1 BARNETT - CROSS - MASSENA  
 2 laptop, and another teacher may have had it, so he  
 3 made the request to the secretary and myself. I'm  
 4 not sure if he made the request to Mr. Dorsey, but I  
 5 do recall getting the email, and he had to find the  
 6 laptop. The laptop it's not our responsibility that  
 7 you get back the same one. They're not guaranteed.  
 8 It's not your personal laptop. It's to the school.  
 9 Q. You are aware that his lesson plans were  
 10 saved on that laptop. Is that correct?  
 11 A. That's what he stated. He did tell me  
 12 that.  
 13 Q. Okay. And to this day, he still hasn't  
 14 received that laptop. Is that correct?  
 15 A. I don't know. To my knowledge, I don't  
 16 know.  
 17 Q. Okay. And do you know whether or not an  
 18 attempt was made to transfer his files from that  
 19 laptop and provide it to him through a separate  
 20 media?  
 21 A. No, I don't know.  
 22 Q. Okay. To your knowledge that was not done,  
 23 correct?  
 24 A. To my knowledge, I don't know. I'm not  
 25 going to say it wasn't done to my knowledge, but I

1 BARNETT - CROSS - MASSENA  
 2 don't know.  
 3 Q. Okay. But you do know that he did not  
 4 receive the laptop?  
 5 MR. FRANCIS: Objection, asked and  
 6 answered.  
 7 A. I don't know.  
 8 [Background noise]  
 9 THE HEARING OFFICER: Well, typically,  
 10 the way this process works is you respond to  
 11 questions. I didn't hear any objection, so it's  
 12 sort of hard for me to intervene, but as a  
 13 general matter--  
 14 MR. MASSENA: [Interposing] --  
 15 [00:02].  
 16 [Background noise]  
 17 THE HEARING OFFICER: You just respond  
 18 to questions asked of you.  
 19 MR. MASSENA: Just one moment, Your  
 20 Honor.  
 21 THE HEARING OFFICER: Sure.  
 22 MR. MASSENA: Can I just have five  
 23 minutes with my client?  
 24 THE HEARING OFFICER: Absolutely, I'll  
 25 take a short break. Let's go off the record.

1 BARNETT - CROSS - MASSENA  
 2 MR. MASSENA: Thank you.  
 3 [OFF THE RECORD]  
 4 [ON THE RECORD]  
 5 THE HEARING OFFICER: All right. So  
 6 we're back on the record. Any additional  
 7 questions, Mr. Massena.  
 8 MR. MASSENA: No additional questions  
 9 for this witness.  
 10 THE HEARING OFFICER: Any re-direct?  
 11 MR. FRANCIS: Brief.  
 12 THE HEARING OFFICER: Okay.  
 13 RE-DIRECT EXAMINATION  
 14 BY MR. FRANCIS  
 15 Q. You indicated on or about April 4, 2016  
 16 when respondent Severin signed out and left the  
 17 building without approval. Is that correct?  
 18 A. Yes.  
 19 Q. Did he return to the building?  
 20 A. No, he did not.  
 21 Q. As per instruction, did he notify any  
 22 administrator that he was leaving the building?  
 23 A. No, he did not.  
 24 MR. FRANCIS: I have nothing further.  
 25 THE HEARING OFFICER: Any additional

1 BARNETT - RE-DIRECT - FRANCIS  
 2 from respondent?  
 3 MR. MASSENA: Very brief.  
 4 THE HEARING OFFICER: Sure.  
 5 RE-CROSS-EXAMINATION  
 6 BY MR. MASSENA  
 7 Q. Ms. Barnett, in your disciplinary letter--  
 8 MR. FRANCIS: [Interposing] Objection,  
 9 beyond the scope of re-direct.  
 10 THE HEARING OFFICER: Well, I haven't  
 11 heard the question, counsel, so I'm going to  
 12 allow Mr. Massena [00:01] the question.  
 13 Q. In your disciplinary letter, you stated  
 14 that for some reason you added the you smirk and did  
 15 not reply. Do you know why you added that?  
 16 A. Yes, I do. I added that because in the  
 17 disciplinary letter we record what happened during  
 18 the disciplinary meeting, and that's what happened  
 19 during the disciplinary meeting.  
 20 Q. And you felt that was necessary to add that  
 21 comment?  
 22 A. Yes.  
 23 MR. MASSENA: Nothing further.  
 24 THE HEARING OFFICER: Mr. Francis?  
 25 MR. FRANCIS: Nothing further.

1 BARNETT - RE-CROSS - MASSENA  
 2 THE HEARING OFFICER: Okay. That  
 3 means you're excused as a witness.  
 4 MS. BARNETT: Thank you.  
 5 THE HEARING OFFICER: I thank you very  
 6 much for your participation. I sometimes tell  
 7 witnesses that these are ongoing proceedings,  
 8 and so you're instructed not to discuss your  
 9 testimony. Thanks so much. Let's go off the  
 10 record.  
 11 [OFF THE RECORD]  
 12 [ON THE RECORD]  
 13 THE HEARING OFFICER: Let's go on the  
 14 record. Mr. Francis, I see the Department has  
 15 its next witness. If you could kindly introduce  
 16 him to us.  
 17 MR. FRANCIS: Yes. At this time, the  
 18 Department calls Principal Steven Dorsey.  
 19 THE HEARING OFFICER: Principal, if  
 20 you could kindly spell your name for us?  
 21 MR. STEVE DORCELY: First name is  
 22 Steve, S-T-E-V-E. Last name is Dorsey, "D," as  
 23 in "David," O-R-C-E-L-Y.  
 24 THE HEARING OFFICER: Okay. Raise  
 25 your right hand. Do you solemnly swear or

1 BARNETT - RE-CROSS - MASSENA  
 2 affirm to tell the truth in this proceeding?  
 3 MR. DORCELY: Yes, I do.  
 4 THE HEARING OFFICER: Mr. Francis,  
 5 your witness.  
 6 MR. FRANCIS: Thank you.  
 7 DIRECT EXAMINATION  
 8 BY MR. FRANCIS  
 9 Q. Principal Dorcelly, would you please tell  
 10 the arbitrator by whom are you employed?  
 11 A. I'm employed by the New York City  
 12 Department of Education.  
 13 Q. And how long have you been so employed?  
 14 A. This actually is my 24 year.  
 15 THE HEARING OFFICER: Just keep your  
 16 voice up if you would in part so that the  
 17 recorder can pick up your testimony. Also, I am  
 18 sitting in front of the HVAC system, and it  
 19 creates ambient noise, so if you could just keep  
 20 your voice up, that would be helpful. Thank  
 21 you.  
 22 Q. And what were your assignments during those  
 23 24 years of service?  
 24 A. For ten years I served as a school aid,  
 25 computer coordinator, substitute teacher. This was

1 DORCELY - DIRECT - FRANCIS  
 2 at Professional Performing Arts High School, a 6  
 3 through 12 high school. Following that assignment, I  
 4 served for three years at LaGuardia Arts. Following  
 5 that assignment, I think transitioned to an Assistant  
 6 Principal, so I did that for six years. And to my  
 7 current assignment, this is my third year as  
 8 Principal of Urban Action Academy.  
 9 Q. And what are your duties and  
 10 responsibilities as principal of this Urban Action  
 11 Academy?  
 12 A. Foremost is to ensure that the students'  
 13 needs in terms of academic achievement, to make sure  
 14 that there's order, there's safety, and that not only  
 15 do I meet the chancellor's framework for great  
 16 schools but to ensure that my kids graduate on time.  
 17 Q. And do you have administrative [phonetic]  
 18 responsibilities with respect to the various teachers  
 19 under your guidance?  
 20 A. Yes. So this year I purposely took the  
 21 assignment to supervise the social studies  
 22 department, so my responsibility is the supervision  
 23 for directly for the social studies, English  
 24 department, budgeting operations and also supervising  
 25 assignment principals.

1 DORCELY - DIRECT - FRANCIS  
 2 Q. Now with respect to pre-semester  
 3 instructions, are there any specific instructions  
 4 that are given to teachers and staff members at the  
 5 beginning of every semester?  
 6 A. Yes. So the beginning of the year,  
 7 September 8 we meet with the faculty, all staff. We  
 8 go over the faculty handbook. In addition to that,  
 9 staff aware that on a daily basis the communication  
 10 method is via email. We send out something that's  
 11 called a daily docket. In addition to that, I'm able  
 12 to call morning announcements where I do the pledge.  
 13 In addition to that, I inform staff of specific  
 14 things that will be due, so I do that daily.  
 15 MR. FRANCIS: -- [00:01] in the six-  
 16 page document that I ask to be marked  
 17 Department's 7.  
 18 MR. MASSENA: -- [00:02]?  
 19 THE HEARING OFFICER: Let's go off the  
 20 record.  
 21 [OFF THE RECORD]  
 22 [ON THE RECORD]  
 23 THE HEARING OFFICER: Let's go back on  
 24 the record. We're back on the record, Mr.  
 25 Francis.

1 DORCELY - DIRECT - FRANCIS  
 2 MR. FRANCIS: Thank you. I have in my  
 3 hand a six-page document that I ask to be marked  
 4 Department's 7 for identification. I have a  
 5 copy for the arbitrator and a copy for the  
 6 respondent.  
 7 THE HEARING OFFICER: Okay. I'll mark  
 8 this as Department's Exhibit 7 for  
 9 identification.  
 10 [Background noise]  
 11 Q. You indicated on direct examination that  
 12 you advise or give a preliminary pre-semester  
 13 instruction to teachers and staff members. I ask  
 14 that you look at Department's 7 for identification.  
 15 Do you recognize that document?  
 16 A. Yes.  
 17 Q. And what is that document?  
 18 A. So that is a sample of a daily docket that  
 19 goes out to all the staff members which specifies  
 20 specifically reminders of student policy including --  
 21 [00:02] expectation for the year, and one last piece  
 22 is it covers this faculty hand book, so at each end  
 23 point, we'll go from A all the way through Z just a  
 24 reminders to the staff.  
 25 Q. And this is distributed via email. Is that

1 DORCELY - DIRECT - FRANCIS  
 2 correct?  
 3 A. That is correct.  
 4 Q. All right. Now are the faculty staff  
 5 handbooks provided to the teachers and staff members  
 6 as well?  
 7 A. That is correct.  
 8 Q. And was that done for 2014-2015 school  
 9 year?  
 10 A. Yes.  
 11 MR. FRANCIS: I ask that Department's  
 12 7 for identification be moved into evidence --  
 13 [00:01].  
 14 MR. MASSENA: Objection, Your Honor,  
 15 on as to relevancy. I'd ask for an offer of  
 16 proof as to what specifications does this daily  
 17 docket email go to prove or disapprove.  
 18 [Crosstalk]  
 19 MR. FRANCIS: It's not specific to a  
 20 specification. However, it goes to notice that  
 21 the respondent is on notice as to certain  
 22 protocol that has to be followed, i.e. leaving  
 23 the school, notifying administrators that you  
 24 are leaving the school. And it goes to general  
 25 instruction to the teachers by giving them

1 DORCELY - DIRECT - FRANCIS  
 2 notice of their responsibilities, and that's the  
 3 relevance of the Department 7.  
 4 THE HEARING OFFICER: Okay. Let's go  
 5 off the record for a moment.  
 6 [OFF THE RECORD]  
 7 [ON THE RECORD]  
 8 THE HEARING OFFICER: Hang on, so  
 9 we're back on the record. There was some off  
 10 the record discussions during which it was  
 11 decided by the Department that it was going to  
 12 offer simply the page of what was previously  
 13 marked as Department's 7 for identification, so  
 14 Department's 7 for identification is now a  
 15 single page document. Is there any objection  
 16 Mr. Massena to Department's 7 going into  
 17 evidence?  
 18 MR. MASSENA: No, Your Honor.  
 19 THE COURT: Okay. So Department's 7  
 20 is now admitted into the record as Department's  
 21 7.  
 22 MR. FRANCIS: Thank you.  
 23 THE HEARING OFFICER: Um-hum.  
 24 Q. You indicated also in your direct testimony  
 25 that a faculty staff handbook is distributed to each

1 DORCELY - DIRECT - FRANCIS  
 2 teacher and staff. Is that correct?  
 3 A. That is correct.  
 4 MR. FRANCIS: All right. I have two  
 5 documents that I'd be marked Department's 8 and  
 6 9 respectively for identification, and I have a  
 7 copy for the arbitrator. And I have a copy for  
 8 respondent. And the second Department's 9 for  
 9 identification, and I have a copy of  
 10 Department's 9 for the arbitrator, and I have a  
 11 copy of Department's 9 for the respondent.  
 12 THE HEARING OFFICER: All right. So I  
 13 have two handbooks before me. I've marked the  
 14 2014-2015 handbook as Department's 8 for  
 15 identification and the 2015-2016 handbook as  
 16 Department Exhibit 9 for identification.  
 17 Q. I'd ask you to look at Department's 8 and  
 18 Department 9 for identification, and can you tell the  
 19 arbitrator do you recognize them?  
 20 A. Yes. Department 8 is the handbook that I'm  
 21 drafting with the staff which highlights all the  
 22 policies and expectations for that school year, and  
 23 Department 9 is the same updated, made some changes.  
 24 It also highlights the expectation that we expect  
 25 from all staff, and they each have to sign for it.

1 DORCELY - DIRECT - FRANCIS  
 2 MR. FRANCIS: I ask that Department 8  
 3 and 9 be offered into evidence.  
 4 [Background noise]  
 5 MR. MASSENA: Just a brief voir dire,  
 6 Your Honor.  
 7 THE HEARING OFFICER: Sure.  
 8 VOIR DIRE EXAMINATION  
 9 BY MR. MASSENA  
 10 Q. Principal Dorceley--am I pronouncing your  
 11 name correctly--  
 12 A. [Interposing] Yes.  
 13 Q. --okay, Principal Dorceley--and you may have  
 14 said this on direct, but how exactly are these  
 15 distributed to the teachers the binder?  
 16 th  
 17 A. September 8 teachers come in and they sign  
 18 for it, and you review it as faculty.  
 19 Q. Okay.  
 20 A. And we identify the key elements, and then,  
 21 they sign for it.  
 22 Q. Okay. And then--  
 23 A. [Interposing] That's a signed--  
 24 Q. [Interposing] That's a signature, okay.  
 25 MR. MASSENA: No further questions,  
 Your Honor.

1 DORCELY - VOIR DIRE - MASSENA  
 2 THE HEARING OFFICER: Objection?  
 3 MR. MASSENA: No objection.  
 4 THE HEARING OFFICER: This is  
 5 Department 8 and Department 9 are both in  
 6 evidence.  
 7 MR. FRANCIS: Thank you.  
 8 THE HEARING OFFICER: Um-hum.  
 9 DIRECT EXAMINATION  
 10 BY MR. FRANCIS  
 11 Q. Now I want to direct your attention to what  
 12 has been admitted into evidence as Department's 1  
 13 which is the specification. I'm going to show you a  
 14 copy thereof, and I'm going to direct your attention  
 15 to specification 2.  
 16 [Background noise]  
 17 Q. Okay. In specification 2, it indicates  
 18 that on or about February 5, 2016 respondent failed  
 19 to adhere to the school cellphone policy, and when  
 20 you allow students to use their cellphones during his  
 21 period three class. Is that correct?  
 22 A. That is correct.  
 23 MR. FRANCIS: I have in my hand a one-  
 24 page document that I ask be marked Department's  
 25 10 for identification.

1 DORCELY - DIRECT - FRANCIS  
 2 THE HEARING OFFICER: You have copies  
 3 for counsel?  
 4 MR. FRANCIS: I have a copy for the  
 5 arbitrator, and I have a copy for respondent.  
 6 THE HEARING OFFICER: All right. I'm  
 7 going to mark this as Department's Exhibit 10  
 8 for identification.  
 9 MR. MASSENA: Department 10.  
 10 Q. I ask you to take a look at Department's 10  
 11 for identification, and let me know whether or not  
 12 you recognize that document.  
 13 A. Yes. This is our cellphone policy that was  
 14 cemented by the SLT which voted on it the School --  
 15 [00:01] Team, and it was adopted by Urban Action  
 16 Academy.  
 17 Q. Okay. And specifically, what is the school  
 18 policy regarding cellphones?  
 19 A. So cellphone use as -- [00:02] and said the  
 20 use of cellphones, computer devices or portable  
 21 entertainment systems, they can bring it--  
 22 MR. MASSENA: [Interposing] Objection.  
 23 THE HEARING OFFICER: Hold on, there's  
 24 an objection. Yes?  
 25 MR. MASSENA: He's reading.

1 DORCELY - DIRECT - FRANCIS  
 2 THE HEARING OFFICER: Okay. And it's  
 3 also not in evidence yet.  
 4 [Crosstalk]  
 5 Q. Just a look at it, and do you recognize the  
 6 document?  
 7 A. It's the cellphone policy.  
 8 MR. FRANCIS: And at this time, I'm  
 9 asking that Department's 10 for identification  
 10 be moved into the record.  
 11 MR. MASSENA: No objection.  
 12 THE HEARING OFFICER: Okay.  
 13 Department 10 is now in evidence. Mr. Francis,  
 14 can we get a timeframe when this policy was in  
 15 effect for this witness?  
 16 MR. DORCELY: I'm thinking a year in  
 17 September.  
 18 THE HEARING OFFICER: Of what year?  
 19 MR. DORCELY: 2015-2016 school year.  
 20 THE HEARING OFFICER: Thank you.  
 21 Q. Again, I refer you to specification number  
 22 two on Department's 1 evidence regarding an incident  
 23 that occurred on February 5, 2016. Please tell  
 24 Arbitrator Brown what occurred on February 5, 2016.  
 25 A. On that particular day, I was walking the

1 DORCELY - DIRECT - FRANCIS  
 2 halls, and I observed into Dr. Severin's room 128  
 3 that students were using their cellphones, and he was  
 4 co-teaching with Ms. Burlingame. I walked into the  
 5 classroom. I confiscated the full cellphones, and  
 6 then, I took them with me to my office.  
 7 THE HEARING OFFICER: Tell us the name  
 8 again of the teacher who the respondent's co-  
 9 teaching with if you could spell the name for  
 10 the record.  
 11 MR. DORCELY: Ms. Burlingame, B-U-R-L-  
 12 I-N-G-A-M-E, game.  
 13 THE HEARING OFFICER: Thank you.  
 14 Q. And as a result of the confiscation of the  
 15 cellphones in violation of the cellphone policy, was  
 16 there a disciplinary conference held with the  
 17 respondent?  
 18 A. Yes.  
 19 MR. FRANCIS: I ask this document be  
 20 marked Department's 11 for identification, which  
 21 I have a copy for the arbitrator.  
 22 THE HEARING OFFICER: I'll mark this  
 23 as Department 11 for identification.  
 24 MR. FRANCIS: And a copy for  
 25 respondent.



Sheet 17

1 DORCELY - DIRECT - FRANCIS  
 2 Q. I'd ask that you look at Department's 11  
 3 for identification, and please tell if you recognize  
 4 that document.  
 5 A. Yes, I do.  
 6 Q. What do you recognize it to be?  
 7 A. I wrote it and with Dr. Severin's  
 8 signature, and the date that we met for disciplinary  
 9 conference.  
 10 Q. Okay. So I see that there's a signature.  
 11 Is that Dr. Severin's signature?  
 12 A. Yes.  
 13 Q. And do you recognize the respondent  
 14 Severin's signature to be such?  
 15 A. Yes, I do.  
 16 Q. And I see there's a signature underneath  
 17 your sincerely. Whose signature is that?  
 18 A. That is my signature.  
 19 MR. FRANCIS: I'd ask that Department  
 20 11 be moved into evidence at this time.  
 21 MR. MASSENA: Just one moment, Your  
 22 Honor.  
 23 THE HEARING OFFICER: Um-hum.  
 24 MR. MASSENA: No objection, Your  
 25 Honor.

87

1 DORCELY - DIRECT - FRANCIS  
 2 Q. And I'm showing to the witness Mr. Dorcely.  
 3 Do you recognize these documents?  
 4 A. Yes, I do.  
 5 Q. And what do you recognize those to be?  
 6 A. These are statements from the students.  
 7 Q. And I see that there are signatures at the  
 8 bottom of the documents?  
 9 A. That is correct.  
 10 Q. And whose signatures are at the bottom of  
 11 the documents?  
 12 A. First one is Student A student Urban Action  
 13 Academy, and the second student at Urban Action  
 14 Academy Student B, and then, the last statement is  
 15 from Andre Perry, student at Urban Action Academy.  
 16 And the content of the statement that reference that  
 17 the incident that occurred with the cellphones.  
 18 Then, I took those students' cellphones during Dr.  
 19 Severin's class.  
 20 MR. FRANCIS: I ask that Department's  
 21 12 be admitted into evidence at this time.  
 22 MR. MASSENA: Objection, Your Honor, I  
 23 understand that hearsay is generally admissible  
 24 during these hearings. However, in this  
 25 particular case, I will call it Department's 12A

89

1 DORCELY - DIRECT - FRANCIS  
 2 MR. FRANCIS: Thank you.  
 3 Q. Now Department's 11 in evidence is an  
 4 organization of the disciplinary conference that you  
 5 had with respondent Severin. Is that correct?  
 6 A. That is correct.  
 7 Q. Okay. In addition to the Department's 11,  
 8 did you take any statements from any students  
 9 regarding the specification involving the cellphone?  
 10 A. Yes, I did.  
 11 Q. And who did you take statements from?  
 12 A. I obtained from the four students, I'm  
 13 sorry, three students. One student was discharged.  
 14 Q. Okay.  
 15 MR. FRANCIS: I have in my hand a  
 16 three-page document of which I have copies for  
 17 the arbitrator and a copy for the respondent.  
 18 THE HEARING OFFICER: And we'll mark  
 19 this as Department's 12 for identification.  
 20 [Background noise]  
 21 MR. FRANCIS: I ask that these three  
 22 documents marked as Department's 12 for  
 23 identification.  
 24 THE HEARING OFFICER: They're marked  
 25 as such.

88

1 DORCELY - DIRECT - FRANCIS  
 2 and number 12(2) and Department 12(3) are all  
 3 signed on different dates when the testimony by  
 4 Principal Dorcely that he brought them into his  
 5 office on the date that the cellphones  
 6 supposedly taken.  
 7 THE HEARING OFFICER: Um-hum.  
 8 MR. MASSENA: And then, in addition to  
 9 that, Your Honor, as to Department's 11A the  
 10 first statement by Student A--  
 11 [Crosstalk]  
 12 MR. MASSENA: --121 there are portions  
 13 of the statement that are not relevant towards  
 14 this hearing. It's not relevant towards proving  
 15 any of the specifications. Therefore, I would  
 16 ask that, that portion be redacted, and that  
 17 portion would begin after the law, cellphone is  
 18 against the law anything after that I would  
 19 object to as not being relevant.  
 20 [Crosstalk]  
 21 MR. MASSENA: With respect to  
 22 Department 12(1), we had a conference--  
 23 THE HEARING OFFICER: [Interposing] Is  
 24 it an agreement?  
 25 MR. MASSENA: --we had an agreement to

90

1 DORCELY - DIRECT - FRANCIS  
 2 redact that portion.  
 3 THE HEARING OFFICER: Okay. So that's  
 4 easy. I know that's not the extent of your  
 5 objections, but certainly, with regards to the  
 6 first page of Department 12, I will subject to  
 7 hearing further objections and making a final  
 8 ruling, I will redact from the word also through  
 9 the end of the paragraph.  
 10 MR. MASSENA: Thank you.  
 11 MR. FRANCIS: May I speak to the other  
 12 portion of his objection?  
 13 THE HEARING OFFICER: Well, let's hear  
 14 the balance of the objection, and then, we'll  
 15 come back 'cause it may be -- [00:02].  
 16 MR. FRANCIS: Okay.  
 17 MR. MASSENA: And, overall, Your  
 18 Honor, as to hearsay regarding these statements,  
 19 the best evidence obviously would be the  
 20 testimony of the students. We don't know under  
 21 what circumstances the students provided these  
 22 statements. Whether they were pressure, where  
 23 they were cajoled or coerced to make these  
 24 statements, we have no idea, so obviously,  
 25 again, understanding that hearsay is generally

91

1 DORCELY - DIRECT - FRANCIS  
 2 I'm hearing objections raised by respondent as  
 3 to the various different dates on all three  
 4 pages. That's not grounds to object to the  
 5 admissibility of the document. Certainly, it  
 6 may be subject matter that respondent wishes to  
 7 cross-examine the witness on, but it's not a  
 8 basis to exclude this document from the record.  
 9 As to the issue of hearsay, counsel correctly  
 10 notes that hearsay is admissible in this forum.  
 11 That is not necessarily one and the same as  
 12 saying or arguing that hearsay alone is  
 13 sufficient to substantiate any given  
 14 disciplinary charge. For the purpose of the  
 15 question of the admissibility of the document, I  
 16 do recognize that it is clearly hearsay, and  
 17 having made that observation, I'm going to admit  
 18 Department 12 into the record because precisely  
 19 the reasons stated by counsel hearsay is  
 20 admissible is in the forum. Yes?  
 21 [Crosstalk]  
 22 MR. MASSENA: One more thing as to the  
 23 statement of Student C which is the third  
 24 statement by a student in Department's 12, my  
 25 reading is that this entire document should be

93

1 DORCELY - DIRECT - FRANCIS  
 2 admissible during these hearings, the best  
 3 evidence would be the testimony of the students  
 4 as opposed to these written statements which  
 5 come from various dates and times, Your Honor.  
 6 THE HEARING OFFICER: Mr. Francis.  
 7 MR. FRANCIS: Yes. Respondent's  
 8 attorney incorrectly stated what the witness'  
 9 testimony was. His testimony was that the  
 10 phones themselves were confiscated on February  
 11 5, 2016. He did not say that the statements  
 12 were taken on that date.  
 13 THE HEARING OFFICER: Okay. Let me  
 14 make a ruling on any and all of this.  
 15 MR. FRANCIS: And if I may be  
 16 permitted to--  
 17 THE HEARING OFFICER: [Interposing]  
 18 Yes, of course.  
 19 MR. FRANCIS: --ask the witness  
 20 regarding the various statements.  
 21 THE HEARING OFFICER: It's not  
 22 necessary.  
 23 MR. FRANCIS: Okay.  
 24 THE HEARING OFFICER: Okay. So I have  
 25 before me Department's 12 which is three pages.

92

1 DORCELY - DIRECT - FRANCIS  
 2 stricken. As best as I can do to read the  
 3 handwriting of the student, I don't believe this  
 4 speaks at all to a cellphone being taken, so I  
 5 believe the entire statement should be stricken  
 6 actually should be not admitted.  
 7 THE HEARING OFFICER: All right. And  
 8 the basis is the relevance. There's nothing  
 9 contained in the third page of this document  
 10 that is any way relevant to the charges and  
 11 specifications. Do you want to be heard on  
 12 that, Mr. Francis?  
 13 MR. FRANCIS: I will remove page 3 of  
 14 12 from consideration for evidence.  
 15 THE HEARING OFFICER: Okay. So  
 16 Department 12 is now in evidence. It is a two-  
 17 page document. Mr. Francis, you can continue.  
 18 MR. FRANCIS: Okay. I have in my hand  
 19 a one-page document that I'd like to be marked  
 20 as Department's 13 for identification, and I  
 21 have a copy for the arbitrator as well as a copy  
 22 for respondent. Thank you.  
 23 THE HEARING OFFICER: Okay. I'm going  
 24 to mark this as Department 13 for  
 25 identification.

94

Sheet 19

95

1 DORCELY - DIRECT - FRANCIS  
 2 Q. And I show you what's marked Department's  
 3 13 for identification. Would you please tell the  
 4 arbitrator whether or not you recognize the document?  
 5 A. Yes. That is daily attendance.  
 6 Q. And for what date is that daily attendance  
 7 sheet?  
 8 A. That is for February 5<sup>th</sup>, period three.  
 9 Q. Okay. And the names of the students that  
 10 appear on Department's 12 in evidence, do they appear  
 11 on Department's 3 for identification?  
 12 A. Yes, they were present.  
 13 Q. Okay. And that document represents an  
 14 attendance sheet for students that were present that  
 15 day. Is that correct?  
 16 A. Correct.  
 17 Q. And what classroom is that for?  
 18 A. That is for room 128 and global studies.  
 19 Q. And whose classroom is that?  
 20 A. Dr. Severin.  
 21 MR. FRANCIS: And I ask that  
 22 Department's 13 for identification be moved into  
 23 evidence at this trial.  
 24 MR. MASSENA: No objection.  
 25 THE HEARING OFFICER: Department 13 is

96

1 DORCELY - DIRECT - FRANCIS  
 2 in evidence.  
 3 Q. So therefore, on February 5<sup>th</sup>, 2016, the  
 4 respondent failed to adhere to the school's cellphone  
 5 when he allowed the students mentioned in  
 6 Department's 12 in evidence indicates that he  
 7 violated that policy.  
 8 MR. MASSENA: Objection, leading.  
 9 THE HEARING OFFICER: Yeah, sustained.  
 10 Q. Okay. I direct your attention to  
 11 Department's 1 for identification copy of which I'm  
 12 showing you, and I direct your attention specifically  
 13 to specification number 3.  
 14 A. Yes.  
 15 Q. Okay.  
 16 MR. FRANCIS: I have in my hand a one-  
 17 page document that I ask be marked Department's  
 18 14 for identification of which I have a copy for  
 19 arbitrator, and I also have a copy for  
 20 respondent. Thank you.  
 21 THE HEARING OFFICER: I will mark this  
 22 as Department's 14 for identification.  
 23 Q. I ask you to look at Department's 14 for  
 24 identification. Do you recognize that document?  
 25 A. Yes. I recognize the Department.

97

1 DORCELY - DIRECT - FRANCIS  
 2 Q. What do you recognize it to be?  
 3 A. This is our attendance sheet for common  
 4 planning time, period six for room 101 where the  
 5 social studies and ESL teachers are planning.  
 6 Q. And does it have certain signatures on  
 7 Department's 14 for identification?  
 8 A. Yes.  
 9 Q. Does Dr. Severin's signature appear on  
 10 Department's 14 for identification?  
 11 A. No.  
 12 Q. And what does that indicate to you?  
 13 A. He did not attend common planning time.  
 14 Q. And was he required to do so?  
 15 A. Yes, part of his C6 assignment.  
 16 THE HEARING OFFICER: Say that again.  
 17 MR. DORCELY: Part of his circle of  
 18 six assignment.  
 19 THE HEARING OFFICER: Circle of six?  
 20 MR. DORCELY: Correct, yes.  
 21 Q. And at the bottom of Department's 14 for  
 22 identification, there appears to be a supervisor.  
 23 A. Yes.  
 24 Q. The supervisor's signature is that correct?  
 25 A. That is correct.

98

1 DORCELY - DIRECT - FRANCIS  
 2 Q. And whose signature is that?  
 3 A. That is my signature.  
 4 Q. Okay. And it's dated December 23<sup>rd</sup>, 2015,  
 5 correct?  
 6 A. That is correct.  
 7 MR. FRANCIS: I'd ask that  
 8 Department's 14 be moved into evidence at this  
 9 time.  
 10 MR. MASSENA: Brief voir dire?  
 11 THE HEARING OFFICER: Sure.  
 12 VOIR DIRE EXAMINATION  
 13 BY MR. MASSENA  
 14 Q. Principal Dorcey, did you take this  
 15 attendance?  
 16 A. Yes. The sign a binder, so I'm there, I'm  
 17 present.  
 18 Q. How do you know that you were present on  
 19 December 23<sup>rd</sup>, 2015 as a common planning assignment?  
 20 A. 'Cause it's my signature.  
 21 Q. Is it your practice to be present?  
 22 A. Yes, most of them.  
 23 Q. Most of them, but you're not able to make  
 24 all of them, correct?  
 25 A. No. I do make it. They won't my

1 DORCELY - VOIR DIRE - MASSENA  
 2 signature, so if I'm not there, don't have my  
 3 signature.  
 4 Q. The ones that you're not able to make don't  
 5 have your signature?  
 6 A. It has my AP signature.  
 7 Q. Okay. So it's either you or the AP?  
 8 A. That is correct.  
 9 Q. So it's your testimony that you took this  
 10 record, correct?  
 11 A. Yes.  
 12 MR. MASSENA: Nothing further, Your  
 13 Honor. No objection.  
 14 THE HEARING OFFICER: Department 14 is  
 15 in evidence.  
 16 DIRECT EXAMINATION  
 17 BY MR. FRANCIS  
 18 Q. As a result of the respondent Severin  
 19 absent himself from the meeting, was there any action  
 20 taken, and was it memorialized?  
 21 A. Yes.  
 22 MR. FRANCIS: I have in my hand a one-  
 23 page document that I asked be marked  
 24 Department's 15 for identification. I have a  
 25 copy for arbitrator, and I have a copy for

1 DORCELY - DIRECT - FRANCIS  
 2 respondent.  
 3 Q. I'd ask that you look at Department's 15  
 4 for identification, and please tell the arbitrator if  
 5 you recognize that document.  
 6 THE HEARING OFFICER: I've marked it  
 7 as Department 15 for identification.  
 8 A. Yep, that's -- [00:02] Assistant Principal,  
 9 Barnett identifying Dr. Severin as not being present  
 10 during the common planning time on December 23 .  
 11 MR. MASSENA: Objection, Your Honor,  
 12 he's reading. I don't believe it was entered  
 13 into evidence yet.  
 14 THE HEARING OFFICER: It wasn't. It's  
 15 not in evidence. It's marked for  
 16 identification, and I believe counsel's  
 17 essentially asking the witness if he can  
 18 identify the document, and your answer is?  
 19 MR. DORCELY: This is a disciplinary  
 20 letter.  
 21 THE HEARING OFFICER: Okay.  
 22 MR. FRANCIS: At this time, I ask that  
 23 Department 15 for identification be moved into  
 24 evidence.  
 25 MR. MASSENA: Brief voir dire.

1 DORCELY - DIRECT - FRANCIS  
 2 THE HEARING OFFICER: Certainly.  
 3 VOIR DIRE EXAMINATION  
 4 BY MR. MASSENA  
 5 Q. How do you recognize this to be a  
 6 disciplinary letter?  
 7 A. 'Cause a union representative is present,  
 8 and it states the employee signed it, and this would  
 9 be part of the official file.  
 10 Q. Okay. Were you present for this  
 11 disciplinary meeting?  
 12 A. No. I was not present for this meeting.  
 13 MR. MASSENA: Nothing further, Your  
 14 Honor.  
 15 THE HEARING OFFICER: Okay.  
 16 MR. MASSENA: No objection.  
 17 THE HEARING OFFICER: Hearing no  
 18 objection, Department 15 is in evidence.  
 19 DIRECT EXAMINATION  
 20 BY MR. FRANCIS  
 21 Q. Again, I direct your attention to  
 22 Department's 1 in evidence, and I direct your  
 23 attention specifically to specification number 4.  
 24 A. Specification 4 indicates Dr. Severin's  
 25 failure to follow the directive of keeping light on

1 DORCELY - DIRECT - FRANCIS  
 2 during his class instruction.  
 3 Q. And what was the basis for this particular  
 4 violation of the school policy and/or written direct  
 5 from a school administrator?  
 6 A. So on a previous date, it was observed with  
 7 Principal Colley [phonetic] that Dr. Severin's  
 8 classroom was pitch dark. As a result of that, I  
 9 memorialized an email to Dr. Severin informing him of  
 10 he must keep a light on.  
 11 Q. Okay.  
 12 MR. FRANCIS: I show what is marked  
 13 now Department's 16 for identification. It's a  
 14 two-page document, and I ask you to look at  
 15 Department's 16 of which I have copy for the  
 16 arbitrator as well as a copy for respondent.  
 17 THE HEARING OFFICER: Okay. I've  
 18 marked it as Department's 16 for identification.  
 19 Q. Do you recognize Department's 16 for  
 20 identification?  
 21 A. Yes.  
 22 Q. I sent Dr. Severin this email acknowledging  
 23 what I've observed and -- [00:02] what the  
 24 superintendent and deputy superintendent as well  
 25 included in the email Assistant Principal, Barnett,

1 DORCELY - DIRECT - FRANCIS  
 2 and a directive I've given also in this email that  
 3 there was a principal walk-through, so multiple  
 4 principals in a building following a superintendent  
 5 meeting.  
 6 Q. And could you please now tell the  
 7 arbitrator what your observation was.  
 8 A. My observation was when we walked past Dr.  
 9 Severin's classroom, Room 128, all lights were off,  
 10 and there were a video playing on the screen.  
 11 Students heads were down, and my principal colleagues  
 12 stopped -- [00:02] attention were drawn. We walked  
 13 towards the back of the classroom, and we just tried  
 14 to acknowledge what's happening. Again, pitch dark,  
 15 kids' heads were down. No instruction going on.  
 16 MR. FRANCIS: I'd ask that  
 17 Department's 16 for identification be moved into  
 18 evidence at this time.  
 19 MR. MASSENA: Just a moment,  
 20 arbitrator.  
 21 THE HEARING OFFICER: I'm sorry?  
 22 MR. MASSENA: Just a moment,  
 23 arbitrator. Thank you.  
 24 THE HEARING OFFICER: Sure.  
 25 MR. MASSENA: No objection, Your

1 DORCELY - DIRECT - FRANCIS  
 2 Honor.  
 3 THE HEARING OFFICER: Department 16 is  
 4 in evidence.  
 5 Q. I would direct your attention again to  
 6 Department's 1 in evidence specifically specification  
 7 5 which indicates that during the 2015-2016 school  
 8 year respondent as of December 15, 2015 failed to  
 9 attend at least 29 out of 37 mandated professional C6  
 10 assignment common planning time meetings on or about  
 11 the following dates as listed in Department's 1 in  
 12 evidence.  
 13 A. Yes. This refers we have implemented a  
 14 policy on October 15 where all staff were advised of  
 15 common planning time and specific rooms they were  
 16 attend. Dr. Severin was assigned to Room 101 with  
 17 social studies department and ESL, and he was present  
 18 but did not attend any of those common planning time  
 19 meetings. Dr. Severin could be found in his room,  
 20 lights off, foot on the desk.  
 21 MR. MASSENA: Objection -- [00:02]--  
 22 THE HEARING OFFICER: [Interposing]  
 23 Witness is addressing specification 5.  
 24 Continue.  
 25 A. Those dates are the dates that he missed

1 DORCELY - DIRECT - FRANCIS  
 2 common planning time.  
 3 Q. All of these dates, correct?  
 4 A. Yes, all of those October 20th--  
 5 [Crosstalk]  
 6 THE HEARING OFFICER: They're stated  
 7 in Department 1, specification 5, 1 through 29.  
 8 [Background noise]  
 9 MR. FRANCIS: I have in my hand a two-  
 10 page document marked Department's 17 for  
 11 identification of which I have a copy for the  
 12 arbitrator. I apologize, it's actually a four-  
 13 page document.  
 14 THE HEARING OFFICER: Okay, no  
 15 problem.  
 16 MR. FRANCIS: And -- [00:02] of which  
 17 I have copy for the--  
 18 [Background noise]  
 19 THE HEARING OFFICER: Let's go off the  
 20 record for a moment.  
 21 [OFF THE RECORD]  
 22 [ON THE RECORD]  
 23 THE HEARING OFFICER: All right. So I  
 24 have before me now a four-page document in which  
 25 I marked for identification as Department's

1 DORCELY - DIRECT - FRANCIS  
 2 Exhibit 17, Mr. Francis?  
 3 MR. FRANCIS: Yes. And I've also  
 4 provided a copy of Department's 17 for  
 5 identification to the respondent.  
 6 Q. I'd ask you to take a look at Department's  
 7 17 for identification, and please let the arbitrator  
 8 know if you recognize that item, and what do you  
 9 recognize it to be?  
 10 A. Yes. That's an email that was sent by me  
 11 th  
 12 on Tuesday, October the 13 advising the staff about  
 13 the common planning time structure including each of  
 14 the teacher's assignment where I expect them to be.  
 15 In this case here, the social studies department and  
 16 ESL I advise them to be in Room 101 during their  
 17 professional assignment, the math, science and health  
 18 Room 102, and then the English, foreign language and  
 19 art in Room 104.  
 20 Q. So that is the directive that was given to  
 21 all of the teachers including respondent Severin. Is  
 22 that correct?  
 23 A. Yes. This was after my consultation with  
 24 the UFT, so UFT -- [00:01] we've met--  
 25 MR. MASSENA: [Interposing] Objection,  
 non-responsive.

1 DORCELY - DIRECT - FRANCIS  
 2 THE HEARING OFFICER: It did seem to  
 3 go astray. Mr. Francis, go on.  
 4 MR. FRANCIS: Yes.  
 5 Q. With respect to Department 17 for  
 6 identification, what is the UFT Chapter Leader Mr.  
 7 Satchel involved in this -- [00:01]?  
 8 A. Yes, he was.  
 9 Q. Could you please tell arbitrator what his  
 10 involvement was.  
 11 A. His involvement was we met to devise this  
 12 plan where we'll be meeting in specific rooms, in  
 13 addition to that the consultation committee members  
 14 from the UFT.  
 15 Q. And with respect with the notification to  
 16 appear as designated as respondent Severin was he  
 17 sent this email?  
 18 A. Yes, he was.  
 19 Q. And does his name appear on the list of  
 20 teachers and/or staff members who are required to  
 21 participate in this plan?  
 22 A. Yes.  
 23 Q. Okay.  
 24 MR. FRANCIS: Let the record that the  
 25 witness is pointing to the second name on

1 DORCELY - DIRECT - FRANCIS  
 2 all. I think you're right counsel there is no  
 3 reference as best I can tell to any date or time  
 4 for these common planning times as they're call,  
 5 but in my estimation and my ruling is it's not  
 6 grounds to exclude these first two pages from  
 7 evidence. Now with regard to pages three and  
 8 four, Mr. Francis, can you help educate us as to  
 9 what their relevance is? Are they mistakenly  
 10 attached to the first two pages? It's almost  
 11 appears as though page three begins mid-sentence  
 12 and does not flow from page two.  
 13 MR. MASSENA: And if I can also point  
 14 out to Your Honor, the first pages at the very  
 15 least have the initials of SB which I'm going to  
 16 assume stand for Principal Dorcelly whereas the  
 17 next two pages seem to be from Beverly Townsend,  
 18 and again, and they don't agree to be the same  
 19 document or let's say an email. And more  
 20 importantly they're not relevant to the issue of  
 21 common planning time and attendance at common  
 22 planning time.  
 23 THE HEARING OFFICER: I think Mr.  
 24 Francis would likely agree that pages three and  
 25 four--

1 DORCELY - DIRECT - FRANCIS  
 2 Department 17 for identification, and at this  
 3 time, I ask that Department 17 for  
 4 identification be moved into evidence.  
 5 THE HEARING OFFICER: Mr. Massena?  
 6 MR. MASSENA: Objection, Your Honor,  
 7 specifically this is being offered for evidence  
 8 on -- [00:01] specification numbers 5 indicating  
 9 that Dr. Severin failed to go to or attend for  
 10 common planning time meetings. This particular  
 11 document does not refer to when, at what time  
 12 these common planning meeting is indicated  
 13 generally that various groups of teachers are to  
 14 go to or to attend the common planning time  
 15 meeting. It doesn't indicate the dates or the  
 16 times, and then, more specifically Your Honor as  
 17 to page three and four, these are not relevant.  
 18 As relevancy I don't see relevant on pages three  
 19 and four, Your Honor.  
 20 THE HEARING OFFICER: Let's take it  
 21 piece mail. With regard to the absence of any  
 22 stated date or time, I don't know quite frankly  
 23 if the Department is offering Department 17 to  
 24 address that issue. Certainly, there appears to  
 25 my eyes to be a location Room 101, and that's

1 DORCELY - DIRECT - FRANCIS  
 2 MR. FRANCIS: [Interposing] I would  
 3 likely agree.  
 4 THE HEARING OFFICER: --yeah, they are  
 5 not necessarily a part of the first two pages,  
 6 so we just separate pages three and four.  
 7 MR. FRANCIS: That would be  
 8 appreciated.  
 9 THE HEARING OFFICER: Okay. So I'm  
 10 going to do that. I'm going to ignore this  
 11 regarding pages three and four which means that  
 12 Department's 17 is now a two-page document. It  
 13 is an email which appears to be addressed to  
 14 various different staff members including the  
 15 respondent. There is a reference to common  
 16 planning time. There's a reference to different  
 17 teams and locations for these meetings, and I'm  
 18 going to admit Department's 17 as a two-page  
 19 document into evidence.  
 20 MR. FRANCIS: Thank you. Okay, so 17  
 21 is in evidence.  
 22 THE HEARING OFFICER: Um-hum.  
 23 MR. FRANCIS: Can we go off the  
 24 record, please?  
 25 THE HEARING OFFICER: Sure, let's go

1 DORCELY - DIRECT - FRANCIS  
 2 off the record.  
 3 [OFF THE RECORD]  
 4 [ON THE RECORD]  
 5 THE HEARING OFFICER: Let's go back  
 6 on. Mr. Francis.  
 7 MR. FRANCIS: Multi-page document that  
 8 I asked to be marked Department's 18 for  
 9 identification and which I have a copy for the  
 10 arbitrator and a copy for the respondent.  
 11 [Background noise]  
 12 THE HEARING OFFICER: Okay. I'll mark  
 13 this as Department's 18, but I think I was maybe  
 14 handed additional papers or more pages than  
 15 respondent's. Let's go off the record and do a  
 16 comparison.  
 17 [OFF THE RECORD]  
 18 [ON THE RECORD]  
 19 THE HEARING OFFICER: Back on the  
 20 record.  
 21 MR. FRANCIS: I have in my hand a 47  
 22 page document that I ask to be marked  
 23 Department's--  
 24 THE HEARING OFFICER: [Interposing]  
 25 18.

111

1 DORCELY - DIRECT - FRANCIS  
 2 consists of?  
 3 A. Department 18 is three disciplinary  
 4 meetings referring to Dr. Severin's failure to attend  
 5 common planning time followed by the exact dates of  
 6 the sign-in sheet for the common planning time in  
 7 Room 101.  
 8 THE HEARING OFFICER: I have  
 9 duplicates still, Mr. Francis. My first and  
 10 fourth page are the same, so this is still not  
 11 organized properly, and the only thing I can  
 12 think of we can do to make this meaningful is go  
 13 off the record, give this back to you and ask  
 14 you just to more carefully go through this and  
 15 assemble the document again. Let's go off the  
 16 record.  
 17 [OFF THE RECORD]  
 18 [ON THE RECORD]  
 19 THE HEARING OFFICER: Okay.  
 20 Apparently, this document Department Exhibit 18  
 21 is now 44 pages.  
 22 MR. FRANCIS: That's correct.  
 23 THE HEARING OFFICER: We've discarded  
 24 two additional pages that were duplicates. Mr.  
 25 Francis.

113

1 DORCELY - DIRECT - FRANCIS  
 2 MR. FRANCIS: --18 for identification  
 3 of which I have a copy for the arbitrator as  
 4 well as a copy for respondent.  
 5 THE HEARING OFFICER: All right. I'm  
 6 going to mark this as Department's Exhibit 18  
 7 for identification.  
 8 Q. Let the record reflect that I'm showing the  
 9 witness Department's 18, 47-page document. Would you  
 10 please look at those documents, and let the  
 11 arbitrator know if you recognize those documents and  
 12 what you recognize them to be.  
 13 THE HEARING OFFICER: Let's go off the  
 14 record again.  
 15 MR. FRANCIS: Yeah.  
 16 [OFF THE RECORD]  
 17 [ON THE RECORD]  
 18 THE HEARING OFFICER: Let's go back on  
 19 the record. Okay, I have before me a document I  
 20 marked for identification as Department's  
 21 Exhibit 18. I am now told that it is 46 pages.  
 22 We've discarded one of the pages. Mr. Francis,  
 23 your witness.  
 24 Q. Yes. Would you please tell Arbitrator  
 25 Brown what Department's 18 for identification

112

1 DORCELY - DIRECT - FRANCIS  
 2 MR. FRANCIS: Yes.  
 3 Q. I'd ask you to look at Department's 18 for  
 4 identification, and please explain to the arbitrator  
 5 what those documents represent.  
 6 A. Okay. Document represent three  
 7 disciplinary letters for Dr. Severin regarding the  
 8 dates he was absent for common planning time. These  
 9 are the attendance sheet, followed by last two pages  
 10 is Dr. Severin's timecard to indicate that he was  
 11 present.  
 12 Q. He was at school on the dates that these  
 13 common planning meetings were held. Is that correct?  
 14 A. That's correct.  
 15 Q. And as a result of his failure to attend  
 16 the common planning meetings, was a disciplinary  
 17 conference held for respondent Severin?  
 18 A. Yes.  
 19 Q. And is that the first several pages of the  
 20 Department's 18 for identification?  
 21 A. Yes, the first five pages are the  
 22 disciplinary meetings.  
 23 Q. So let the record be clear there are three  
 24 disciplinary conferences held for the 29 absences out  
 25 of 37 mandated professional C6 common planning times

114

115

1 DORCELY - DIRECT - FRANCIS  
 2 meetings. Is that correct?  
 3 A. That's right.  
 4 MR. FRANCIS: At this time, I'd ask  
 5 that Department's 18 for identification be moved  
 6 into evidence at this time.  
 7 MR. MASSENA: Objection, Your Honor,  
 8 I'm going probably going to need about 10, 15--  
 9 [Crosstalk]  
 10 THE HEARING OFFICER: You need some  
 11 time to review the document with your client?  
 12 MR. MASSENA: Yeah.  
 13 THE HEARING OFFICER: All right.  
 14 Let's go off the record.  
 15 [OFF THE RECORD]  
 16 [ON THE RECORD]  
 17 THE HEARING OFFICER: Let's go back on  
 18 the record, okay, so Department 18 has been  
 19 offered into evidence. Respondent and counsel's  
 20 had an opportunity to review the document. What  
 21 sayeth you, Mr. Massena, any objection?  
 22 MR. MASSENA: No objection, Your  
 23 Honor.  
 24 THE HEARING OFFICER: Okay. So  
 25 Department 18 is in evidence.

116

1 DORCELY - DIRECT - FRANCIS  
 2 Q. Okay. Indicating again Department's 18  
 3 being in evidence, would you please address what  
 4 these documents are beginning with the first few  
 5 pages, and indicate what the subsequent pages are?  
 6 A. The first few documents scheduled  
 7 disciplinary hearings regarding Dr. Severin's absence  
 8 for common planning time for C6, and the dates and  
 9 months are recorded on each of the disciplinary  
 10 letters. It's followed by the attendance for Room  
 11 101, and the last two pages are the timesheet for Dr.  
 12 Severin's attendance.  
 13 Q. And the timesheets that you're referring to  
 14 Department's 18 in evidence, what does that represent  
 15 or indicate?  
 16 A. That indicate the three months from  
 17 October, November and December of Dr. Severin's  
 18 attendance sheet.  
 19 Q. -- [00:03] that attendance sheet that  
 20 respondent Severin was in fact at the school and not  
 21 absent on those -- [00:03]. Is that correct?  
 22 A. That is correct.  
 23 Q. Thank you. I direct your attention to  
 24 Department's 1 in evidence and specifically  
 25 specification 6.

117

1 DORCELY - DIRECT - FRANCIS  
 2 MR. FRANCIS: I have in my hand a  
 3 three-page document and a copy for the  
 4 arbitrator and a copy for respondent.  
 5 THE HEARING OFFICER: Of course, I  
 6 have a three-page document which I'll mark for  
 7 identification as Department's Exhibit 19.  
 8 Q. Let the record reflect that I'm showing  
 9 Principal Dorcey Department's 19 for identification.  
 10 Please indicate whether or not you recognize the  
 11 document.  
 12 A. Yes. This is disciplinary letter issued to  
 13 Dr. Severin with my signature and Dr. Severin's  
 14 signature followed by a sign-in sheet which  
 15 indicating Dr. Severin did not sign the -- [00:02].  
 16 THE HEARING OFFICER: I'm sorry,  
 17 didn't hear the last part of -- [00:02].  
 18 MR. DORCELY: Did not sign the teacher  
 19 -- [00:01] in the office when he left the  
 20 building.  
 21 THE HEARING OFFICER: Thank you.  
 22 MR. FRANCIS: At this time, I ask that  
 23 Department's 19 which is marked for  
 24 identification be entered into evidence at this  
 25 time.

118

1 DORCELY - DIRECT - FRANCIS  
 2 MR. MASSENA: Objection, Your Honor,  
 3 just one moment, please.  
 4 THE HEARING OFFICER: Sure.  
 5 MR. MASSENA: Thank you.  
 6 [Background noise]  
 7 MR. MASSENA: Just a few questions  
 8 brief voir dire.  
 9 THE HEARING OFFICER: Certainly,  
 10 please proceed.  
 11 VOIR DIRE EXAMINATION  
 12 BY MR. MASSENA  
 13 Q. Principal Dorcey, first regarding  
 14 Department's 19 the disciplinary letter, I notice  
 15 that Dr. Severin's signature is on this letter. Did  
 16 you observe Dr. Severin sign document?  
 17 A. No. The letter to file?  
 18 Q. The letter to file?  
 19 A. No, I did not.  
 20 Q. And Dr. Severin was not present at this  
 21 meeting, correct?  
 22 A. He received a disciplinary letter from his  
 23 UFT.  
 24 Q. Okay. However, he was not present at this  
 25 meeting, correct?



Sheet 25

119

1 DORCELY - VOIR DIRE - MASSENA  
 2 A. Not during the disciplinary meeting, that  
 3 is correct.  
 4 MR. MASSENA: Just one moment, Your  
 5 Honor.  
 6 Q. And as to the staff sign-out sheet, who  
 7 maintains the staff sign-out sheet?  
 8 A. It's kept in the main office by my office.  
 9 Q. Okay. How far away is that from your  
 10 office? You said in your office or by your office?  
 11 A. Main office.  
 12 [Crosstalk]  
 13 Q. Okay. And whose responsibility is it to  
 14 maintain the staff sign-out sheet?  
 15 A. Our Secretary, Ms. Townsend, my assistant  
 16 principal to the school advisor.  
 17 Q. Okay. And how is it maintained?  
 18 A. Staff sign a log if they go in and out, and  
 19 then, we collect it every day.  
 20 MR. MASSENA: Just one moment, Your  
 21 Honor.  
 22 THE HEARING OFFICER: Yes, sure.  
 23 MR. MASSENA: We'll step out for a  
 24 moment.  
 25 THE HEARING OFFICER: We'll go off the

120

1 DORCELY - VOIR DIRE - MASSENA  
 2 record.  
 3 [OFF THE RECORD]  
 4 [ON THE RECORD]  
 5 DIRECT EXAMINATION  
 6 BY MR. FRANCIS  
 7 Q. I'd ask you to look at Department 19 in  
 8 evidence, and specifically is it related to  
 9 specification six which indicates on the top November  
 10 th  
 11 12, 2015 respondent left the school building during  
 12 the school day without signing the teacher log in the  
 13 school's main office, and I ask you to take a look at  
 14 the staff's sign-out sheets for that particular date  
 15 and ask you to peruse it. And tell me arbitrator  
 16 whether or not respondent Severin signed out of the  
 17 school on the staff sign-out sheet on November 12,  
 18 2015.  
 19 A. No. The sheet indicated Dr. Severin did  
 20 not sign out.  
 21 THE HEARING OFFICER: Can you show me  
 22 where that is? I can't find it.  
 23 [Background noise]  
 24 MR. DORCELY: The second page  
 25 beginning on 11/12 just if you look at the  
 dates.

th

121

1 DORCELY - DIRECT - FRANCIS  
 2 THE HEARING OFFICER: I see the dates.  
 3 MR. DORCELY: To November 12 on the  
 4 first page, Mr. Filo [phonetic] is the first  
 5 November 12 signing out--  
 6 THE HEARING OFFICER: [Interposing]  
 7 All right.  
 8 MR. DORCELY: --followed by Mr.  
 9 Norris, Ms. Vicare, and if you look at the  
 10 second page followed by Mr. Lewin, Norris,  
 11 Lewin, Fiala [phonetic].  
 12 [Crosstalk]  
 13 THE HEARING OFFICER: I see, so it's  
 14 not a situation were you have--well, okay.  
 15 MR. DORCELY: Yes.  
 16 THE HEARING OFFICER: You don't have  
 17 time in either, okay. Thank you for that  
 18 clarification.  
 19 MR. DORCELY: You're welcome.  
 20 Q. Now direct your attention to Department's 1  
 21 in evidence specifically specification 7. Would you  
 22 take a look at that specification which -- [00:02] on  
 23 th  
 24 or about November 9, 2015 respondent failed to  
 25 follow directive given by administration to submit  
 his mid-term exam for feedback and review to

122

1 DORCELY - DIRECT - FRANCIS  
 2 administration.  
 3 A. So this specification the way the system we  
 4 have is communicate with the staff via the daily  
 5 docket, and we instruct the staff to submit their  
 6 mid-term for review and support. In this case, Dr.  
 7 Severin was advised to submit his mid-term for review  
 8 and support. I never received it.  
 9 Q. And was that document memorialized in any  
 10 way?  
 11 MR. FRANCIS: I have in my hand a  
 12 seven-page document.  
 13 [Background noise]  
 14 THE HEARING OFFICER: Let's go off the  
 15 record.  
 16 [OFF THE RECORD]  
 17 [ON THE RECORD]  
 18 THE HEARING OFFICER: Let's go on the  
 19 record. Okay, Mr. Francis.  
 20 MR. FRANCIS: I have in my hand eight-  
 21 page document that I ask to be marked  
 22 Department's 20 for identification. I have a  
 23 copy for the arbitrator as well as a copy for  
 24 respondent.  
 25 THE HEARING OFFICER: Okay. So I'll

1 DORCELY - DIRECT - FRANCIS  
 2 mark this as Department's 20 for identification.  
 3 Q. Let the record reflect I'm showing the  
 4 witness Department's 20 for identification. Please  
 5 peruse those documents, and please tell the  
 6 arbitrator if you recognize this document, and what  
 7 do you recognize them to be?  
 8 A. Yes. This is a disciplinary meeting letter  
 9 signed by and signed by Dr. Severin, and it includes  
 10 an email requesting mid-terms to be submitted to a  
 11 direct supervisor, in the case that would be me. In  
 12 addition to that, correspondence between Dr. Severin  
 13 and I requesting his mid-term.  
 14 THE HEARING OFFICER: Requesting what?  
 15 MR. DORCELY: His mid-term for review.  
 16 Q. That being a mid-term exam?  
 17 A. Mid-term exam that is correct.  
 18 Q. All right. And as a result of his failure  
 19 to provide you with as you being his direct  
 20 supervisor, could you memorialize the fact that he  
 21 did not submit to you his mid-term tests scores  
 22 rather. Could you memorialize disciplinary meeting  
 23 that you had? First of all, did you have a  
 24 disciplinary meeting?  
 25 A. Yes, I had a disciplinary--

1 DORCELY - DIRECT - FRANCIS  
 2 Q. [Interposing] And did you memorialize that  
 3 in what?  
 4 A. Yes. I had a disciplinary meeting the fact  
 5 that Severin was absent in capacity, so this chapter  
 6 chair noted that he was advised by Dr. Severin to  
 7 attend on his behalf, and he has no comment.  
 8 Q. Okay. And is that Department's 20 for  
 9 identification that first page?  
 10 A. Yes.  
 11 Q. And the subsequent pages on Department's 20  
 12 -- [00:02] is what?  
 13 A. The instructions to the daily docket  
 14 informing all staff that mid-terms are due and to be  
 15 submitted to direct supervisor followed by my  
 16 correspondence with Dr. Severin.  
 17 Q. And would you please articulate what that  
 18 correspondence -- [00:01]?  
 19 A. To please submit his mid-term -- [00:02]  
 20 directly to me, and Dr. Severin's response for my  
 21 request.  
 22 Q. And what was his response?  
 23 A. His response was I have the laptop he's  
 24 looking for.  
 25 MR. FRANCIS: I'd ask that

1 DORCELY - DIRECT - FRANCIS  
 2 Department's 20 for identification be moved into  
 3 evidence at this time.  
 4 THE HEARING OFFICER: Any objection?  
 5 MR. MASSENA: Just one moment, Your  
 6 Honor.  
 7 THE HEARING OFFICER: Excuse me?  
 8 MR. MASSENA: Objection, Your Honor,  
 9 but just one moment.  
 10 THE HEARING OFFICER: Would you like  
 11 to go off the record?  
 12 MR. MASSENA: Yes.  
 13 THE HEARING OFFICER: Let's go off the  
 14 record.  
 15 [OFF THE RECORD]  
 16 [ON THE RECORD]  
 17 THE HEARING OFFICER: -- [00:02].  
 18 MR. MASSENA: Yes.  
 19 [Background noise]  
 20 THE HEARING OFFICER: Mr. Massena?  
 21 MR. MASSENA: No objection to the  
 22 Department 20 as to the disciplinary letter  
 23 th  
 24 dated November 19, 2015. No objection to  
 25 Department 20 related to the email  
 correspondence between Principal Dorceley and Dr.

1 DORCELY - DIRECT - FRANCIS  
 2 Severin. However, I do have an objection as to  
 3 Department 20 the date of the email  
 4 th  
 5 correspondence is Monday, November 9. However,  
 6 I do have an objection to Department 20 email  
 7 correspondence to what appears to be the entire  
 8 school staff. I do have an objection as to  
 9 relevancy.  
 10 THE HEARING OFFICER: Okay. Mr.  
 11 Francis, there's an objection being raised to  
 12 four pages of this document appears to be an  
 13 th  
 14 email dated October 6 or at least begins that  
 15 way. The objection is being raised on the  
 16 grounds of relevance. What is the Department's  
 17 position?  
 18 MR. FRANCIS: The relevance of the  
 19 email is noticed to the respondent to provide  
 20 specifically the mid-term examination.  
 21 THE HEARING OFFICER: What page are  
 22 you on of this four-page document?  
 23 MR. FRANCIS: I'm looking at the first  
 24 page--  
 25 THE HEARING OFFICER: [Interposing]  
 Okay.  
 MR. FRANCIS: --which is sent to

1 DORCELY - DIRECT - FRANCIS  
 2 indicating respondent, and his name appears  
 3 first in the document.  
 4 THE HEARING OFFICER: Okay.  
 5 MR. FRANCIS: And there are directives  
 6 on the attachment of the email which indicates  
 7 that he is supposed to comply with the  
 8 directive.  
 9 THE HEARING OFFICER: Now which  
 10 directive that's the question?  
 11 [Crosstalk]  
 12 MR. FRANCIS: The directive is to  
 13 provide--  
 14 THE HEARING OFFICER: [Interposing] As  
 15 I read specification seven, the allegation is--  
 16 hang on--that respondent failed to follow  
 17 directive given by administration to submit his  
 18 mid-term exam.  
 19 MR. FRANCIS: That's correct.  
 20 THE HEARING OFFICER: And, again,  
 21 respondent's objecting to these four pages on  
 22 grounds of relevance. Tell me where these four  
 23 pages where there's any reference to the mid-  
 24 term exam?  
 25 MR. FRANCIS: If you look at the first

127

1 DORCELY - DIRECT - FRANCIS  
 2 A. So for page one that's the disciplinary  
 3 meeting held absent of Dr. Severin.  
 4 THE HEARING OFFICER: All right.  
 5 That's not in dispute. It's really the next  
 6 four pages.  
 7 A. Page number two is where to our daily  
 8 docket we send to all staff advising him of updates  
 9 what's expected, and this one here is the end of unit  
 10 assessments due one week to the administration and  
 11 due to me for review and support.  
 12 THE HEARING OFFICER: But the question  
 13 if I may principal is what in these four pages  
 14 reference the mid-term exam that the respondent  
 15 is being charged for failing to provide to  
 16 administration?  
 17 MR. DORCELY: Well, it says end of  
 18 unit assessment.  
 19 THE HEARING OFFICER: Is that the mid-  
 20 term exam?  
 21 MR. DORCELY: We see the same language  
 22 -- [00:02] due to your direct supervisor for  
 23 review and feedback. That's the connection.  
 24 THE HEARING OFFICER: All right. I  
 25 don't know that you need to go further unless

129

1 DORCELY - DIRECT - FRANCIS  
 2 page of the email at the bottom--  
 3 THE HEARING OFFICER: [Interposing]  
 4 Okay.  
 5 MR. FRANCIS: --MOSL make-up exams  
 6 will be given on Thursday, October 8, 2015.  
 7 THE HEARING OFFICER: Okay.  
 8 MR. FRANCIS: End of unit assessments  
 9 are due one week in advance of administration  
 10 for review and support by your direct  
 11 supervisor.  
 12 THE HEARING OFFICER: All right.  
 13 You're going to have to do better than that if  
 14 you're going to make the case that that's the  
 15 mid-term exam. You're going to have to elicit  
 16 that testimony from the witness because it says  
 17 here as I read it make-up exam. I don't know  
 18 that that's one in the same as the mid-term exam  
 19 that's referenced in the specific charge.  
 20 Q. I'd ask the witness to look at Department's  
 21 for identification.  
 22 [Crosstalk]  
 23 THE HEARING OFFICER: And ask the  
 24 witness to look at these four pages in  
 25 particular.

128

1 DORCELY - DIRECT - FRANCIS  
 2 you have issues.  
 3 MR. DORCELY: Can I also point --  
 4 [00:02] the following page which is page two on  
 5 the email?  
 6 THE HEARING OFFICER: Okay.  
 7 MR. DORCELY: It says also unit test  
 8 and exams due to direct supervisor three days  
 9 before administration.  
 10 THE HEARING OFFICER: Tell me where  
 11 you are?  
 12 MR. DORCELY: That is on the top page  
 13 where it says scope and sequence right  
 14 underneath it. It says unit test and exam.  
 15 THE HEARING OFFICER: I don't think  
 16 I'm on the same page. No, I think they're just  
 17 in the wrong order, okay. I'm with you now.  
 18 Say it one more time.  
 19 MR. DORCELY: So it says on the  
 20 following page it says unit test--  
 21 THE HEARING OFFICER: [Interposing]  
 22 Oh, I see.  
 23 MR. DORCELY: --and exams due to  
 24 direct supervisor three days before  
 25 administration.

130

1 DORCELY - DIRECT - FRANCIS  
 2 THE HEARING OFFICER: All right. And  
 3 it's your sworn testimony principal that this  
 4 reference to unit tests and exams due is one in  
 5 the same as the "mid-term exam" which respondent  
 6 is alleged to have failed to give to the  
 7 administration?  
 8 MR. DORCELY: That is correct.  
 9 THE HEARING OFFICER: Okay. If that's  
 10 your testimony, okay.  
 11 MR. MASSENA: My objection still  
 12 stands. However, I understand that the Court  
 13 may deem is admissible into evidence, and the  
 14 Court will decide the weight of the evidence.  
 15 THE HEARING OFFICER: Absolutely, what  
 16 the principal has done is establish the  
 17 foundation to establish relevance subject to  
 18 cross-examination, and obviously, at some point,  
 19 I suspect without knowing that I'm going to hear  
 20 from the respondent himself, but on the narrow  
 21 issue of the admissibility of the document,  
 22 Department 20 is in evidence. All right, given  
 23 the time of day, we are going to conclude  
 24 today's hearing. We're going to reconvene on  
 25 June 29<sup>th</sup> at 10:00 a.m. sharp. Until then

131

## CERTIFICATE OF ACCURACY

133

I, Jessica M. McDonald, do hereby certify that the foregoing typewritten transcript of proceedings in the matter of New York City Department of Education v. Jean Richard Severin, File No. 29298 was prepared using the required transcription equipment and is a true and accurate record of the proceedings to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature:

Date: June 30, 2016

1 JEAN SEVERIN - 06/24/16  
 2 everyone have a wonderful weekend. Thank you.  
 3 MR. MASSENA: Thank you.  
 4 MR. FRANCIS: Thank you.  
 5 (The hearing adjourned at 17:00 p.m.)

132

## Student Index

134

Anisha John, Student "A"  
 Sidney Wary, Student "B"  
 Andre Perry, Student "C"

THE STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

In the Matter of  
NEW YORK CITY DEPARTMENT OF EDUCATION  
v.

JEAN RICHARD SEVERIN  
Section 3020-a Education Law Proceeding (File #29,298)

DATE: June 29, 2016

TIME: 10:00 a.m. to 5:00 p.m.

LOCATION: NYC Department of Education  
Office of Legal Services  
100 Gold Street, 3rd Floor  
New York, NY 10038

BEFORE: JAMES BROWN, ESQ.  
HEARING OFFICER

APPEARANCES: FOR THE COMPLAINANT:  
MICHAEL FRANCIS, ESQ., of Counsel  
NYC Department of Education  
Office of Legal Services  
49-51 Chambers Street  
New York, NY 10007  
Telephone: (212) 374-6741  
mfrancis11@schools.nyc.gov

FOR THE RESPONDENT:  
ALAIN MASSENA, ESQ.  
Massena Law P.C.  
305 Broadway, Suite 1001  
New York, NY 10007  
Telephone: (212) 766-1700  
avm@massenalaw.com

Sheet 2

## Table of Contents

## O P E N I N G   S T A T E M E N T

NAME: PAGE:

[None]

## W I T N E S S   E X A M I N A T I O N

NAME: PAGE:

S. Dorcely:

Direct (cont.) by Francis	139
Voir Dire by Massena	146
Direct (cont.) by Francis	151
Voir Dire by Massena	158
Direct (cont.) by Francis	162
Voir Dire by Massena	166
Direct (cont.) by Francis	170
Voir Dire by Massena	178
Direct (cont.) by Francis	183
Voir Dire by Massena	186
Direct (cont.) by Francis	187
Voir Dire by Massena	196
Direct (cont.) by Francis	200
Cross by Massena	202

## C L O S I N G   S T A T E M E N T

NAME: PAGE:

[None]

## E X H I B I T S

RESPONDENT	DESCRIPTION	I.D.	IN EV.
2	Summons letter to disciplinary meeting, Principal Dorcely, 10/20/15	268	270
3	Summons disciplinary letter, Principal Dorcely, 11/10/15	275	277
4	Summons to disciplinary conference,	278	279

138

JEAN RICHARD SEVERIN - 06/29/16

1  
2 (The hearing commenced at 10:00 a.m.)  
3 THE HEARING OFFICER: Good morning.  
4 My name is James A. Brown. I am the Hearing  
5 Officer appointed pursuant to New York State  
6 Education Law Section 3020-a, its rules and  
7 regulations, as well as the contractual  
8 provisions by and between the United Federation  
9 of Teachers and the New York City Department of  
10 Education. We are here today in the matter of  
11 Jean Richard Severin, SED File Number 29,298.  
12 This is a continuing matter; if we could kindly  
13 note our appearances beginning on my left.

14 MR. MICHAEL FRANCIS: For the  
15 Department of Education, Michael A. Francis.  
16 Good morning.

17 MR. ALAIN MASSENA: For the  
18 Respondent, Alain Massena.

19 THE HEARING OFFICER: Okay. I'll note  
20 for the record that the Respondent is also here  
21 present with us. While we await the  
22 Department's first witness this morning, let's  
23 go off the record. Thank you.

24 [OFF THE RECORD, Waiting for witness  
25 0:00:42]

## Table of Contents

5	Principal Dorcely, 11/13/15		
5	Summons letter, Principal Dorcely, 11/17/15	281	281
6	Summons to disciplinary meeting, Principal Dorcely, 11/23/15	284	284
	DEPARTMENT OF EDUCATION DESCRIPTION	I.D.	IN EV.
21	Documents regarding fire drills, Principal Dorcely, 5 pages	144	151
22	Document concerning meeting, Principal Dorcely regarding absences	152	155
23	Summary of disciplinary conference, Principal Dorcely, regarding lesson plans	156	162
24	Summary discipline meeting and documentation, Principal Dorcely, regarding submitting grades, 9 pages	163	169
25	Summary of disciplinary meeting, Principal Dorcely, regarding submitting grades, 3 pages	171	176
26	Summary of disciplinary meeting, Principal Dorcely, regarding absence on 4/23/15, 3 pages	177	183
27	Disciplinary meeting, Principal Dorcely, regarding emergency lesson plans, 2 pages	185	187
28	Summary of disciplinary meeting, Principal Dorcely, with copy of observation, regarding period seven lesson plans, 5 pages	189	192
29	Summary of meeting, Principal Dorcely, regarding scheduling support sessions, 2 pages	194	196

139

JEAN RICHARD SEVERIN - 06/29/16

1  
2 [ON THE RECORD, Waiting for witness  
3 0:00:42]

4 THE HEARING OFFICER: So, let's go  
5 back on the record. Mr. Francis, I see that the  
6 Department had called again the Principal to  
7 continue with his direct examination. I want to  
8 remind you, Principal, that you are still under  
9 oath. Mr. Francis, it's your witness.

10 MR. FRANCIS: Thank you.

11 DIRECT EXAMINATION (CONT.)

12 BY MR. FRANCIS

13 Q. I am going to direct your attention to,  
14 again, Department's Number 1, in evidence,  
15 specifically Specification number eight. On or about  
16 November 4th, 2015, what occurred?

17 A. On November 4th, we had a fire drill. And  
18 during the fire drill, the procedure is everyone  
19 vacates the building. Adults, students, they leave  
20 to the nearest exit. In this particular case, I was  
21 notified by Principal Michelena, from a school for  
22 information, media, and technology--

23 MR. FRANCIS: I'm sorry, Your Honor.

24 That was Principal...?

25 MR. DORCELY: Michelena.

DORCELY - DIRECT - FRANCIS

MR. FRANCIS: --Michelena.

MR. DORCELY: From 18 K617. That's the school's DBN.

THE HEARING OFFICER: Just keep your voice up, please.

MR. DORCELY: Eight K617 is her school's DBN.

A. And she informed me--

Q. [Interposing] What is DBN?

A. The school number so you can identify the school.

Q. Is it housed in the same campus?

A. On the same campus, correct. So, she's on the second floor. She informed me that she observed Dr. Severin, when returning to the building--

[Crosstalk]

MR. MASSENA: [Interposing] Again, Your Honor, I would object to this testimony. I understand that hearsay is admissible, but now we're moving into triple hearsay so--

[Crosstalk]

THE HEARING OFFICER: [Interposing] Okay, well it does--it does sound like hearsay testimony. At this point, I'd like the witness

DORCELY - DIRECT - FRANCIS

here, and this ambient noise. Sometimes it makes it difficult for me to hear.

MR. DORCELY: Okay, sorry.

THE HEARING OFFICER: I can move you up here. You seem comfortable, so if you could just try your best to speak up a little bit.

MR. DORCELY: Okay.

THE HEARING OFFICER: Thank you.

A. So, I just want to--Principal Michelena, which her school is 18 K642, it's on the second floor, had informed me that she observed that Dr. Severin, during the end of the fire drill, permitting the students to come in. I obtained a written statement from the youngster that indicated that it, in fact, did happen. And I had a disciplinary hearing with Dr. Severin as a result.

Q. Now, is--are all teachers and staff members informed about the school policy regarding the entry and exit from schools, not only in fire drills, but entry into the school during when they first come to the school?

A. Yes.

MR. MASSENA: Objection leading.

THE HEARING OFFICER: Sustained.

DORCELY - DIRECT - FRANCIS

to be permitted just to finish his testimony response to the question. Then I'll--we can revisit this, and I'll make a ruling. I don't know if the Principal, as a result of this other Principal making this report to him, took any specific steps or actions. That's really what I want to hear--

MR. DORCELY: [Interposing] Yes, that's--

THE HEARING OFFICER: --if, in fact, that's what happened.

MR. DORCELY: That's what took place--

THE HEARING OFFICER: [Interposing] All right.

MR. DORCELY: --as a result of what was observed, including observing the camera one and two, where Dr. Severin allowed students to enter the building back, and it also includes the students--

[Crosstalk]

THE HEARING OFFICER: [Interposing] You got to speak slower on the record. Let me just explain. Let me take a moment just to explain. I've got this ventilation system back

DORCELY - DIRECT - FRANCIS

Q. What instruction is given to teachers and staff members regarding school safety?

A. At the beginning of the year, September 18, we had the AP of Security, AP Alton [phonetic], who explained the process of the fire drill, and the expectation regarding fire drill, and we are mandated to do six fire drills--eight fire drills per year. And for the September 8 fire drill--I mean explanation by AP Alton, this is the first day when all of the staff come back. Dr. Severin was present during that process.

Q. And did Dr. Severin sign an attendance sheet in noting that if he was present?

A. Yes.

Q. And that is Department--finally, did you, in fact, do a disciplinary conference with Respondent Severin in regard to him allowing the student to enter the building?

A. Yes.

Q. Okay.

MR. FRANCIS: So, I have in my hand a five page document that I ask be marked Department's 20 for identification. I have a copy for the Arbitrator, and I have a copy for

DORCELY - DIRECT - FRANCIS

Respondent.

THE HEARING OFFICER: All right, I think we're up to Department 21, and I'll mark it as such for identification. I have as Department's 20--

[Crosstalk]

MR. FRANCIS: [Interposing] That's correct. You're correct, my error, Department's 21 for identification. Let the record reflect that I am showing the witness Department's 21 for identification.

Q. Could you look at those pages and tell the Arbitrator what each page represents?

A. The first page is the actual summary of the meeting on November 9th. The second is--include my signature and Dr. Severin's signature.

Q. And it's dated. Is that correct?

A. That is correct, yes. It's dated from Dr. Severin's signature on 11/25. The third page is the student's, Student "A", who was permitted to enter outside of the main. It's her statement.

Q. Did she sign the statement?

A. Yes, she did.

Q. And did she date the statement?

DORCELY - DIRECT - FRANCIS

[OFF THE RECORD 0:07:59]

[ON THE RECORD 0:07:59]

THE HEARING OFFICER: Let's do that.

Let's go back on. Mr. Massena, you've had an opportunity to review Department's Exhibit 21 with your client. Is there any objection?

MR. MASSENA: Yes, Your Honor. Well, actually just some brief Voir Dire, Your Honor.

THE HEARING OFFICER: Please.

MR. MASSENA: Thank you.

VOIR DIRE

BY MR. ALAIN MASSENA

Q. Good morning, Principal Dorcelly.

A. Good morning.

Q. Just a few questions. Regarding what has been marked for identification as Department's 21 for identification, on the third page of Department's 21, there is a letter purportedly signed by Student "A". Am I pronouncing the name correctly?

A. Student "A".

Q. Student "A".

A. Yeah.

Q. So, this is a document that you claim this student signed, correct?

DORCELY - DIRECT - FRANCIS

A. Yes, she did. The fourth page is the sign in sheet of the staff during September 8th, when they received instruction by not just me, but also AP of Instruction--I mean AP of Security, Mr. Alton, regarding the policy and procedures for fire drill.

Q. And does Respondent Severin's signature appear on the attendance sheet?

A. Yes.

Q. And can you indicate which of the pages his signature appears?

A. The signature appeared on page two, beneath Mr. Satchel's [phonetic] signature.

MR. FRANCIS: At this time, I ask that Department's 21 for identification be moved into evidence at this time.

MR. MASSENA: Objection, Your Honor, and just one moment to speak with my client.

THE HEARING OFFICER: Sure. Let's go off the record.

MR. MASSENA: Thank you, Your Honor.

MR. FRANCIS: Before we do--

[Crosstalk]

THE HEARING OFFICER: [Interposing] No, well let's go off the record.

DORCELY - VOIR DIRE - MASSENA

A. That's a document that the student signed.

Q. And wrote, correct?

A. The student wrote it.

Q. And who was present when the student wrote this document?

A. Assistant Principal Barnett.

Q. Okay. And she--did Mr. Barnett, in any way, confirm that the student wrote this document?

A. Confirmed.

Q. Where is that? Is that on the document?

A. Those are not--when the student signed the statement, you have to observe it. There is no other place to put that.

Q. Okay. So, it's you and Principal--and Assistant Principal Barnett alone in the room with the student, correct?

A. The student signed the document in our presence, correct.

Q. Okay. And no one else is in the room.

A. The student and AP Barnett.

THE HEARING OFFICER: Say it louder, please.

A. The student and the Assistant Principal, AP Barnett.



DORCELY - VOIR DIRE - MASSENA

Q. And yourself.

A. I'm not present.

Q. Oh, you were not present--

[Crosstalk]

Q. Okay. Okay, and you were not present when this was signed, okay.

MR. MASSENA: Okay. Your Honor, I would object to 21 being--21, specifically page three, being moved into evidence, Your Honor.

THE HEARING OFFICER: Would you like to be heard on this, Mr. Francis?

MR. FRANCIS: Certainly. It is a statement written by the student, who was the student that was allowed to enter the building, observed on camera and observed by a Principal. The student, it's in her handwriting, as testified by the Principal. The student signed the document. This also can be entered in as a business record, as it's kept in the ordinary course of business. And it is a relevant document, because it supports a Specification and a violation of the school safety rules and regulations.

[Crosstalk]

DORCELY - VOIR DIRE - MASSENA

THE HEARING OFFICER: Tell me where.

MR. FRANCIS: Let me show you. You were then asked about the student, Student "A's", statement that said--

MR. MASSENA: [Interposing] What paragraph?

MR. FRANCIS: This is paragraph one, two, three, four. You were then asked about the Student, Student "A's", statement that said Brother Severin told me I could go with him, so I could get my phone at the end of the fire drill.

THE HEARING OFFICER: What I am going to do is, I am going to admit this entire five page document, since I only heard an objection with regard to page three, into evidence. I am going to overrule the objection, but I again just want to make very clear what the Department, I believe, already knows and that is simply this, that this Hearing Officer is not going to find the Respondent guilty of any particular Specification based on hearsay evidence alone. To the extent that page three is attached and made reference to, excuse me, to

DORCELY - VOIR DIRE - MASSENA

MR. MASSENA: [Interposing] Yes, Your Honor. Well again, Principal Dorceley was not present when this document was generated. This document is not necessarily a document that's kept in the normal course of business. It's not a document that's maintained by Principal Dorceley. If anyone were to testify as to moving this into evidence, I believe it would be Assistant Principal Barnett, who obviously the Department has the ability to recall as a witness if they so choose to.

THE HEARING OFFICER: Why, Mr. Francis, are you attaching this third page to the first two pages?

MR. FRANCIS: Because it goes directly to the disciplinary meeting that was held with Assistant Principal Jordan Barnett, as well as Mark Satchel, the representative, to discuss the allegations of professional misconduct.

THE HEARING OFFICER: Does the two page letter that appears as the first two pages of Department 21, make any reference to the student statement?

MR. FRANCIS: Yes.

DORCELY - VOIR DIRE - MASSENA

the extent that page three is made reference to in the disciplinary letter to file, which appears as the first two pages, I will admit it into the record as a unified document; but again, my position on hearsay is clear in this forum. So, Department 21 is in evidence.

[Whereupon Department of Education's Exhibit 21 is admitted into evidence]

MR. FRANCIS: And again, the Department reserves the right to recall Assistant Principal Barnett if need to.

THE HEARING OFFICER: Certainly, that's your right.

DIRECT EXAMINATION (CONT.)

BY MR. FRANCIS

Q. Now again, I direct your attention to Department's Number 1, in evidence, specifically Specifications nine and ten. What occurred on or about October 23rd, 2015, and on or about October 26th, 2015?

A. As will be required by all staff members, when they're absent, they are to contact a direct supervisor, including my secretary, Ms. Townes [phonetic]. In this particular case, on the twenty

DORCELY - DIRECT - DORCELY  
third as well as the twenty sixth, we did not get any information that Dr. Severin was going to be absent, which resulted in us scrambling for subs.

Q. And when you say subs, are you referring to substitute teachers?

A. That is correct.

Q. Okay.

MR. FRANCIS: I have in my hand a one page document that I ask be marked Department's 22 for identification. I do have a copy for the Arbitrator. I do have a copy for Respondent.

THE HEARING OFFICER: Okay. So, I'll mark this as Department's Exhibit 22 for identification.

MR. FRANCIS: Thank you.

Q. I show you Department's Number 22 for identification. Do you recognize the document?

A. Yes.

Q. And what do you recognize it to be?

A. This is a document of a meeting that was held. This also referenced the instance of not advising us of absences was noted in this write up. And during my conversation question with Dr. Severin, he did indicate that--no, I think from this here, it

DORCELY - DIRECT - DORCELY

A. Yes, it is.

Q. And does there appear to be another signature at the bottom of Department's 22 for identification?

A. Yes. It's Dr. Severin's.

Q. Okay.

MR. FRANCIS: I ask at this time that Department's 22 for identification be admitted into evidence.

THE HEARING OFFICER: Any objection?

MR. MASSENA: Just one moment.

THE HEARING OFFICER: Yeah, sure.

MR. MASSENA: Thank you.

THE HEARING OFFICER: Would you like to go off the record?

MR. MASSENA: Yes, please.

THE HEARING OFFICER: Let's go off the record.

[OFF THE RECORD 0:16:28]

[ON THE RECORD 0:16:28]

THE HEARING OFFICER: All right, let's go back on.

MR. MASSENA: No objection, Your Honor.

DORCELY - DIRECT - DORCELY  
is his signature, but he did indicate that he did not want any conversation in reference to his absence on the twenty third or the twenty sixth.

Q. I also ask that you look at these two additional pages for Department's 22 for identification. Do you recognize those documents?

THE HEARING OFFICER: Do we have those?

MR. FRANCIS: Yes.

THE HEARING OFFICER: Okay.

MR. FRANCIS: No, I have it. I have a copy of it for you.

THE HEARING OFFICER: Okay. So, while the Respondent has it, I'm sorry, while the witness, forgive me, has it in his hands, maybe you can give copies to counsel and myself. Let's go off the record for a moment, please.

[OFF THE RECORD 0:15:58]

[ON THE RECORD 0:15:58]

THE HEARING OFFICER: Okay, so let's go back on the record. Mr. Francis?

Q. And again, I ask you if that's your signature at the bottom of Department's 22 for identification.

DORCELY - DIRECT - DORCELY

THE HEARING OFFICER: All right, so Department 22 is in evidence.

[Whereupon Department of Education's Exhibit 22 is admitted into evidence]

THE HEARING OFFICER: And it's a one page document.

MR. FRANCIS: That's correct. And I am going to ask that we go off the record one time so I can consult with--not consult with, but have a conversation with the--with my--

THE HEARING OFFICER: [Interposing] Sure.

MR. FRANCIS: --with Respondent's counsel.

THE HEARING OFFICER: So, let's go off the record for that purpose.

[OFF THE RECORD 0:16:54]

[ON THE RECORD 0:16:54]

THE HEARING OFFICER: Okay, let's go back on the record. Mr. Francis?

MR. FRANCIS: Yes.

Q. And I direct your attention to Specification 12. What occurred on or about September 11th, 2015?

DORCELY - DIRECT - DORCELY

A. On September 11th, my colleagues and I were doing a walk through the building, going into class rooms. And during that time, we entered in Dr. Severin's class room with his co-teacher. And during that time, Dr. Severin did not have, and his co-teacher, a lesson plan readily available, or no instructional objectives on the board as a result.

Q. And as a result of that observation, did you take any action with respect to a disciplinary conference?

A. That is correct.

MR. FRANCIS: I have in my hand a two page document that I ask be marked Department's 23 for identification. I have a copy for the Arbitrator, and I have a copy for Respondent.

THE HEARING OFFICER: Okay. So, I'll mark this as Department's 23 for identification.

MR. FRANCIS: Let the record reflect that I am showing the witness Department's 23 for identification.

Q. I ask you to tell the Arbitrator if you recognize that document.

A. Yes.

Q. And what do you recognize it to be?

DORCELY - DIRECT - DORCELY

[ON THE RECORD 0:19:37]

THE HEARING OFFICER: On the record.

Any objection to Department 23?

MR. MASSENA: Just a brief Voir Dire, Your Honor.

THE HEARING OFFICER: Sure.

MR. MASSENA: Okay.

VOIR DIRE

BY MR. ALAIN MASSENA

Q. Principal Dorceley, this document that has been moved into--or has been identified for--has been marked for identification as Respondent's 23--

THE HEARING OFFICER: [Interposing] Department 23.

Q. --Department's 23, when was this document generated? If your recollection, if you recall, when was the document generated without looking at the document?

THE HEARING OFFICER: Yeah, if you don't know, you can say I don't know, or I don't remember and then we'll go from there.

A. When it was printed or...?

Q. When was it generated, once again, without looking at the document.

DORCELY - DIRECT - DORCELY

A. It is a summary of our disciplinary conference, and also a summary of the walk through that was conducted between my Assistant Principal, AP Barnett, and Dr. Howell. And when we entered the class room, and again, there was no lesson plan readily available, and as well as a summary of Dr. Severin's comment during that discipline meeting.

Q. As you look at page two for Department's 23 for identification, I see that there are signatures at the bottom of page two. Whose signatures are those?

A. One is my signature, followed by Dr. Severin, including a statement, a written statement by him.

Q. Okay.

MR. FRANCIS: At this time, I ask that Department's 23 for identification be moved into evidence.

THE HEARING OFFICER: Any objection?

MR. MASSENA: Yes, Your Honor. Just may we go off the record for a moment?

THE HEARING OFFICER: Sure.

MR. MASSENA: Okay.

[OFF THE RECORD 0:19:37]

DORCELY - VOIR DIRE - MASSENA

A. I don't recall.

Q. Okay. And did you type this document up personally, or did someone else type the document--

A. [Interposing] I type all my letters.

Q. Okay. And does someone review the letter, or does someone proof read the letter?

A. No.

Q. Okay. And once the document is generated by you, how is it--how is it kept? In what database is it kept?

A. It's not. It's printed out and given to Dr. Severin.

Q. Okay. And how many copies are made?

A. Two copies.

Q. Okay. And where do the two copies go?

A. One goes to Dr. Severin for signature. He -- [00:01] returns it, and one goes to me for file.

Q. Okay. And is that your procedure with all such documents such as this?

[Crosstalk]

A. --yes, I give--it would be either my secretary will give it to them, or in his mailbox, but the document is generated by me.

Q. Now on the second page of what has been

DORCELY - VOIR DIRE - MASSENA  
 marked for identification as Department's Number 23,  
 there is a handwritten--a handwritten note. Is that  
 note written by you?  
 A. No.  
 Q. Okay. Who is that note written by?  
 A. That is Dr. Severin.  
 Q. Okay. And you observed him write that  
 note?  
 A. It returned to me signed by Dr. Severin  
 with this.  
 Q. Okay. And what does that note say?  
 A. It says, I can't make out his handwriting.  
 Q. Well, you--  
 [Crosstalk]  
 Q. So, you said you don't recognize the  
 handwriting.  
 A. But it's given back to me from Dr. Severin  
 though.  
 Q. Okay. And you said you do or do not  
 recognize the handwriting?  
 A. You asked me what's at the bottom--  
 Q. [Interposing] Yes.  
 [Crosstalk]  
 Q. Yes.

DORCELY - VOIR DIRE - MASSENA  
 some point in time?  
 A. No, this was part of the Specification.  
 Q. Okay. Did you turn these documents over to  
 Mr. Francis at some point in time between the time  
 that you generated it and today?  
 A. All the documentation that is here was  
 given to the Department.  
 Q. Okay.  
 MR. MASSENA: No objection, Your  
 Honor.  
 THE HEARING OFFICER: All right. So,  
 Department 23 is in evidence.  
 [Whereupon Department of Education's  
 Exhibit 23 is admitted into evidence]  
 MR. FRANCIS: Okay.  
 DIRECT EXAMINATION (CONT.)  
 BY MR. FRANCIS  
 Q. Again, I direct your attention to  
 Department's Number 1 in evidence, specifically  
 Specification number 13. What occurred on or about  
 June 15th, 2015?  
 A. So during that time, we are requesting  
 grades, particularly for marking three, and marking  
 period four, so we can finalize the graduation

DORCELY - VOIR DIRE - MASSENA  
 A. Reading it. Would you like me to read it?  
 Q. Yes, please.  
 A. This is an accurate summary.  
 Q. Accurate or inaccurate?  
 A. This is--this is an, and I see accurate.  
 Q. And you don't see anything before accurate,  
 the word accurate, as in I-N, inaccurate?  
 A. No. It says this is an, A-N, and then it  
 says inaccurate summary of the meeting?  
 Q. Mm hmm.  
 A. Oh, I should have--I showed you a copy of  
 the lesson plan.  
 Q. Okay.  
 A. R-S, initialized.  
 Q. And R-S initialized, that's for Richard  
 Severin?  
 A. I would assume, correct.  
 Q. Okay. And upon receiving this, what did  
 you do with this?  
 A. Put it in the file.  
 Q. Okay. And upon--and then how did the--this  
 document find its way to us today?  
 A. It's presented as Specification.  
 Q. Did you turn this over to the Department at

DORCELY - DIRECT - FRANCIS  
 decision. In this case here, Dr. Severin did not  
 submit his grades in a timely manner.  
 MR. FRANCIS: I have in my hand a nine  
 page document that I ask be marked Department's  
 Number 24 for identification. I have a copy for  
 the Arbitrator, and I have a copy for  
 Respondent.  
 THE HEARING OFFICER: Okay. So, we'll  
 mark this as Department's 24 for identification.  
 MR. MASSENA: And, Your Honor, may we  
 just go off the record briefly?  
 THE HEARING OFFICER: Yeah, we're  
 doing a lot of that--  
 [Crosstalk]  
 THE HEARING OFFICER: Okay, let's do  
 it again. Let's go off the record.  
 [OFF THE RECORD 0:25:20]  
 [ON THE RECORD 0:25:20]  
 THE HEARING OFFICER: Go back on the  
 record. All right, I have the document before  
 me. I have marked it for identification as  
 Department 24.  
 MR. FRANCIS: Let the record reflect  
 that I am showing Principal Dorcelly Department's

DORCELY - DIRECT - FRANCIS

24 for identification.

Q. And I ask that you look at those documents and let me know if you recognize them.

A. The first page is a summary of the discipline meeting held with Dr. Severin. As noted also, this is the second time this incident of not submitting his EGG file occurred.

Q. And could you please tell the Arbitrator what an EGG file is?

A. Electronic grading system, where all teachers submit their grades, so we can process students' report cards. In this case here, the urgency was it was Regents, and following Regents for graduation decisions. The second page is a correspondence, through our system we have with our daily docket, where we inform our staff, please be advised, looking ahead, these are the things that are due, to give them advance--advance information of let's get these things ready. In this case, the second document is dated on June 5th, a daily docket sent out by the secretary informing all the staff of the grades are due. The third page is a continuation of that document, more specifically with the specific dates when the EGG files are due. The fourth page is

DORCELY - VOIR DIRE - MASSENA

VOIR DIRE

BY MR. ALAIN MASSENA

Q. As to the second page of the--what has been marked for identification as Department's Number 24, you indicated that this page reflects when the grades are due?

A. No, this is the correspondent email--

Q. [Interposing] Okay.

A. --to all the staff, including Dr. Severin.

Q. Okay.

A. That's the system we have.

Q. And how is this--how is this--this is sent out every day?

A. It's a daily docket, yeah, it's called every day.

Q. Okay. And it's sent by whom?

A. By Ms. Townes, the secretary.

Q. Okay. And do you receive--does Ms. Townes receive some sort of correspondence that the individuals attached to this email have actually opened or ever actually seen this correspondence?

A. What, a read receipt?

Q. Yes, a read receipt.

A. Yes, we have read receipts.

DORCELY - DIRECT - FRANCIS

a correspondence with Dr. Severin, informing him that his EGG files have not been received. The fifth page is a continuation of that correspondence. Page number six, number six a correspondence, again with Dr. Severin, for his marking period four grade, where he is being advised to please submit the grade, and his correspondence with my Assistant Principal, and I am cc'd on that exchange. The seventh page is similar. And the page number eight is my Assistant Principal, Ms. Barnett. I am cc'd on it, including in this case here, because it's an urgent matter, we have to make decisions, the UFT Chapter Leader is also included in that correspondence, requesting the grade, the marking period grade. And then the final page is an email sent of high importance to Dr. Severin, informing him that we need, again, we need your marking period grades, and I am cc'd on that exchange as well.

MR. FRANCIS: At this time, I ask that Department's 24 for identification be moved into evidence.

MR. MASSENA: Just brief Voir Dire, Your Honor.

THE HEARING OFFICER: Certainly.

DORCELY - VOIR DIRE - MASSENA

Q. Do you have a copy of that read receipt?

A. No, it's not here.

Q. Okay.

A. But the entire school gets this, and this is also I make morning announcements as well.

Q. Well just, Principal Dorcey, just one moment, please. Again, the question was is there a read receipt that comes with this email? Yes or no.

A. This daily docket is sent to every single staff member.

Q. Okay once again--

THE HEARING OFFICER: [Interposing]

Just listen to the question and then answer specifically the question asked of you, please.

Q. Does the send of this email receive a read receipt for the recipients of this email upon the--upon the recipient opening or receiving the email?

A. For this case, no.

Q. Okay. And again, it's the people's position that this particular document is--represents notice to Dr. Severin. Is that correct?

[Crosstalk]

Q. The Department's position.

[Background conversation]

DORCELY - VOIR DIRE - MASSENA

Q. Is that the Department's position?

A. That's correct.

Q. Okay.

MR. MASSENA: Your Honor, we object to the daily docket coming into evidence.

THE HEARING OFFICER: Okay. Now, this is, I think, it was represented a nine page document. Are there any other pages within Department 24 which the Respondent is objecting to?

[Background conversation]

MR. MASSENA: No, Your Honor.

THE HEARING OFFICER: Okay. So, the only pages you're bringing to my attention, for the purpose of your objection, are pages two and three, and which have been described as the daily docket. Mr. Francis, do you want to be heard on this before I make a ruling?

MR. FRANCIS: Briefly.

THE HEARING OFFICER: Sure.

MR. FRANCIS: The daily docket is sent to the--every teacher on a daily basis. Doctor, excuse me, Respondent Severin, Richard, is the first name on the list of many individuals who

DORCELY - DIRECT - FRANCIS

Q. Again, I direct your attention to Department's Number 1 in evidence, specifically Specification number 14. What, if anything, occurred on or about May 29th, 2015?

A. Similar to the request for the marking period grades for three and four, we experienced the same behavior for marking period number two, where we also requested the EGG file, so that we can generate student grades.

THE HEARING OFFICER: I just want to note for the record that EGG file is spelled E-G-G, all capital letters.

MR. FRANCIS: Thank you for that.

MR. DORCELY: And it stands for electronic grade--

THE HEARING OFFICER: [Interposing] Gathering.

MR. DORCELY: --gathering, yeah.

Q. Was the failure to submit marking period two EGG files documented in any way?

A. Yes.

Q. And how was that documented?

A. It led to, based on the failure, a disciplinary meeting with Dr. Severin, for his

DORCELY - VOIR DIRE - MASSENA

the email is sent to on a daily basis. And as such, this is relevant to the fact that he's on notice to present the documentation as requested.

THE HEARING OFFICER: Okay. I am going to admit this entire document, including pages two and three of daily docket, specifically into evidence. There's an indication on page two that the Respondent was a recipient of this daily docket two page email. I am going to operate under the presumption that the email was indeed sent to the Respondent. Now, if it turns out that the Respondent testifies that his--that he, if indeed, at the appropriate time, the Respondent testifies that he did not said document, certainly I will hear that testimony and any arguments attendant to that; but I am going to, at this time, admit the entire nine page document into evidence. Department 24 is in evidence.

[Whereupon Department of Education's Exhibit 24 is admitted into evidence]

DIRECT EXAMINATION (CONT.)

BY MR. FRANCIS

DORCELY - DIRECT - FRANCIS

failure to submit his marking period two grade.

MR. FRANCIS: I have in my hand a three page document that I ask be marked Department's Number 25 for identification. I am handing a copy to the Arbitrator, and I am handing a copy to Respondent.

THE HEARING OFFICER: All right, we'll mark this as Department 25 for identification.

MR. FRANCIS: I ask that Principal Dorcely look at Department's 25 for identification.

Q. And please tell the Arbitrator if you recognize the document, and if you do, what do you recognize it to be.

A. On the first page, it's a summary of my disciplinary meeting with Dr. Severin. In this particular case, Dr. Severin had waived his right for union representation, and I have attached. And also attached is an excerpt from the handbook, indicating on page 37 the procedures for submitting his EGG file. On page number two, it's my signature, as well as Dr. Severin's. On page number three, it's correspondence with Dr. Severin. In this case here, I emailed Dr. Severin with the date and time,

DORCELY - DIRECT - FRANCIS  
indicating that I have not received his EGG file and  
it's 7:03 p.m. and the EGG file was due by 3:00 p.m.  
[Background conversation]

MR. FRANCIS: At this time, I ask that  
Department's 25 for identification be moved into  
evidence.

MR. MASSENA: Okay. I would simply  
ask that--I would object to the third page, the  
first portion of the third page, which is an  
email from Mr. Dorcely to Principal--I'm sorry,  
from Dr. Severin to Principal Dorcely, that that  
portion of the email correspondence be redacted  
as not relevant to--not relevant to the  
testimony involved.

THE HEARING OFFICER: Okay, Mr.  
Francis? It seems, to my eyes, to be an  
unrelated matter.

MR. FRANCIS: Well, permit me to  
question the witness on that particular issue.

THE HEARING OFFICER: Okay.

Q. I see that there is an email from  
Respondent Severin to yourself regarding this re  
missing grades. Is that--how is that email relevant  
to the Specification that we're discussing?

DORCELY - DIRECT - FRANCIS  
paragraph and read it, and please inform the  
Arbitrator whether or not if that email is relevant  
to the Specification that we're discussing.

A. In this case, it seems it's in the same  
body of correspondence, so in a response, missing  
grade, the conversation became about missing grades,  
where he indicated, Dr. Severin, that he is not able  
to report to work. So, it's on that same  
correspondence. So, now you can respond to an email  
and then...

THE HEARING OFFICER: Does it pertain,  
if you know, Principal, to the specific  
Specification at issue, namely Specification  
four, which charges the Respondent with failing  
to follow a directive to supply marking period  
two electronic grade gathering files by a  
certain due date.

MR. FRANCIS: I would argue, if I may--

THE HEARING OFFICER: [Interposing]  
Yeah.

MR. FRANCIS: --I would argue that it  
is part of the narrative.

[Crosstalk]

DORCELY - DIRECT - FRANCIS

THE HEARING OFFICER: No, if I may,  
Mr. Francis, I think, as I have heard  
Respondent's counsel argue, and correct me if  
I'm correct, Mr. Massena, you were referring to  
the part that appears below good morning Mr.  
Dorcely--

MR. MASSENA: [Interposing] Correct,  
Your Honor.

THE HEARING OFFICER: --and appears  
basically to be two lines. So, if you could  
take a look at that, Mr. Francis, and see if you  
agree that it's not relevant, in which case it  
should be redacted, or if you have some other  
position.

MR. FRANCIS: Again, I would ask the  
witness whether or not the--

THE HEARING OFFICER: [Interposing]  
Okay.

MR. FRANCIS: --first email is  
relevant to the Specification that we're  
discussing.

THE HEARING OFFICER: Okay. Why don't  
you go ahead and do that then?

Q. Would you take a look at the first

DORCELY - DIRECT - FRANCIS

MR. FRANCIS: I'm indicating that his  
email to Principal Dorcely indicates he can't  
report to work, which is probably--

THE HEARING OFFICER: [Interposing]  
Well, let's not do probably, all right. Let's  
just find out from the witness what his  
testimony is regarding this and then we'll go  
from there.

MR. DORCELY: I would say they do  
interconnect.

THE HEARING OFFICER: Okay.

MR. DORCELY: That's why it's all in  
one page.

THE HEARING OFFICER: What I am going  
to do is I am going to overrule the objection if  
that's the only objection being raised with  
regard to Department 25. I am going to admit  
the document as is. If it turns out, in my  
review of the document and my consideration of  
the evidence, I determine that it's not  
relevant, you can rest assured that I will  
disregard those two lines; but I think for the  
purpose of efficiency at this juncture, I am  
going to admit the entire document, but keep in

DORCELY - DIRECT - FRANCIS

mind the objection raised by Respondent.  
Department 25 is in evidence.

[Whereupon Department of Education's  
Exhibit 25 is admitted into evidence]

MR. FRANCIS: Thank you. Can we go  
off?

THE HEARING OFFICER: Sure, let's go  
off the record.

[OFF THE RECORD 0:40:08]

[ON THE RECORD 0:40:08]

THE HEARING OFFICER: Let's go back on  
the record. Okay, we're back on.

Q. I want to direct your attention to  
Department's Number 1 in evidence, specifically  
Specification number 15. What occurred on or about  
April 23rd, 2015?

A. On April 23rd, we began to notice a similar  
pattern of not notifying me myself as the direct  
supervisor, or Ms. Townes, of absences. In this case  
here, Dr. Severin failed to advise us that he was not  
going to be at work, resulting in us looking for a  
substitute teacher.

Q. And was that documented in any way?

A. Yes. It led to a disciplinary meeting

DORCELY - DIRECT - FRANCIS

card, both the front and the back. And the third  
page indicate that twenty third, where it says no  
contact, no show.

MR. FRANCIS: At this time, I'd ask  
that Department's 26 for identification be moved  
into evidence.

THE HEARING OFFICER: Any objection?

MR. MASSENA: Just brief Voir Dire,

Your Honor.

THE HEARING OFFICER: Sure, go ahead.

VOIR DIRE

BY MR. ALAIN MASSENA

Q. The second and third pages of what has been  
marked for identification as Department's 26, what  
are those--the second and third page, what are those  
again?

A. Dr. Severin's April time card of 2015.

Q. Okay. And how do you know that to be the  
case?

A. It says April 2015. It's his time card.

Q. It says what, I'm sorry?

A. It's Dr. Severin's time card.

Q. Okay. And I said how do we know--how do we  
know it to be his time card again? Because it says

DORCELY - DIRECT - FRANCIS

again.

MR. FRANCIS: I have in my hand a  
three page document that I ask be marked  
Department's 26 for identification. I have a  
copy for the Arbitrator, and I have a copy for  
Respondent.

MR. MASSENA: Thank you.

THE HEARING OFFICER: Okay. So, we'll  
mark this as Department 26 for identification.

MR. FRANCIS: Thank you. Let the  
record reflect that I am showing Principal  
Dorceley the three page document marked  
Department's 26 for identification.

Q. I ask that you take a look at those  
documents and tell the Arbitrator if you recognize  
those documents, and if so, what do you recognize  
them to be.

A. This is a summary of my disciplinary  
meeting for Dr. Severin, in addition to Dr. Severin  
waiving to union representation. During our meeting,  
I informed Dr. Severin of his absence, how did he  
respond, and he made a note here, and that is my  
signature on the second page, dated April 2015. That  
is the documentation of Dr. Severin's April's time

DORCELY - VOIR DIRE - MASSENA

his name you said?

A. Yes.

Q. Okay. And what date is this in reference  
to?

A. The April 23rd absence.

Q. Okay. And is there any date on these time  
cards?

A. Yes, if you turn to the second and third  
page. It's both the front and the back.

Q. Okay. And where is the date indicated on  
these time cards?

A. Do you have the third page?

[Crosstalk]

THE HEARING OFFICER: --in the fact  
that you have offered a second page--

MR. MASSENA: [Interposing] Okay.

THE HEARING OFFICER: --Mr. Francis.

Let me just ask. Is this intentional or is  
this--

[Crosstalk]

MR. FRANCIS: --front and back of the  
month--

[Crosstalk]

THE HEARING OFFICER: [Interposing]



DORCELY - VOIR DIRE - MASSENA

Oh, I see, forgive me. And I think the witness did make that clear.

MR. FRANCIS: Yes.

THE HEARING OFFICER: I'm sorry, continue.

MR. MASSENA: Okay.

Q. So, it's your testimony that this is the front and back of the entire month of April. Is that correct?

A. That is correct.

Q. Okay. So, the first--the first document--the first page is not in reference to April 23rd. Is that correct?

A. The first letter is a summary of our discipline meeting.

Q. No, I'm sorry, I apologize. The first--the second page is not in reference to April 23rd. Is that correct?

A. No. It's in reference to April.

Q. Okay. So, the second page is the only page that speaks to April 23rd. Is that correct?

THE HEARING OFFICER: The second page--

-

[Crosstalk]

DORCELY - VOIR DIRE - MASSENA

basically one document.

THE HEARING OFFICER: Okay.

MR. MASSENA: But then I would argue that any--any markings on the first page of the time card be redacted. It's not relevant and not viewable by the Arbitrator.

THE HEARING OFFICER: Any thoughts?

MR. FRANCIS: That part is that it's one document. The twenty third is clearly marked that he was absent, no call, no--with N-C, N-S.

THE HEARING OFFICER: Okay. Unless there is any objection--other objections to Department 26, I am going to admit it into evidence. I can easily disregard page one of the two page time card. To the extent it represents the front of the time card and page three, or the second page of the time card, represents the back of the card, it's essentially one document photocopied over two pages. The relevant information, based on what I'm hearing from the Department, is that which appears on page three, or the second page of the time card. That's where my focus will lie.

DORCELY - VOIR DIRE - MASSENA

MR. MASSENA: --the second page of the time card. Thank you. Thank you, Your Honor.

A. Yes, the third page referenced the April 23rd absence.

Q. Okay.

MR. MASSENA: So, I would object to the first page being moved into evidence.

THE HEARING OFFICER: The first page of the time card.

MR. MASSENA: The first page of the time card.

THE HEARING OFFICER: That's the basis for your objection. Mr. Francis?

MR. FRANCIS: And basically the objection is...?

THE HEARING OFFICER: What is--on what grounds?

MR. MASSENA: On the grounds that it's not relevant to the Specification of April 23rd, 2015.

THE HEARING OFFICER: Mr. Francis?

MR. FRANCIS: The relevance is that this is one card. It's a front and back as testified to by Principal Dorcelly. It's

DORCELY - VOIR DIRE - MASSENA

Department 26 is in evidence.

[Whereupon Department of Education's

Exhibit 26 is admitted into evidence]

DIRECT EXAMINATION (CONT.)

BY MR. FRANCIS

Q. Now again, with respect to Department's 26 now in evidence, look at the third--the second page of the time card on the date of April 23rd. I see there is writing there. Could you please tell the Arbitrator what that writing represents?

A. Yes. When a staff member is absent, we make a notation, in this case here, that indicates that the N-C, the no contact.

Q. Okay.

THE HEARING OFFICER: And below that?

MR. DORCELY: It's N-S, no show.

THE HEARING OFFICER: Thank you.

MR. FRANCIS: Thank you.

Q. I, again, direct your attention to Department's Number 1 in evidence, specifically Specification 16. What occurred on or about February 2nd, 2015?

A. On February, this would be the second term of the school year, the second 90 days of school.

DORCELY - DIRECT - FRANCIS

And in this case, we ask all staff members, teachers, to refer--to get their lesson plans to renew whatever they use. In this case here, we have yet to receive Dr. Severin's three emergency lesson plans for that second term.

Q. Now, could you please explain to the Arbitrator what an emergency lesson plan is?

A. If a teacher is absent, we have to have on file, it's part of my handbook, that they must have on record three emergency lesson plans so we can quickly utilize their lesson plans for any of the subs, so there is no disruption in the continuity of instruction.

Q. And when you indicate subs, is that in reference to a substitute teacher?

A. That is correct.

Q. Now, was this failure to have three emergency lesson plans documented in any way?

A. Yes. It was documented through a disciplinary conference with Dr. Severin for his failure.

Q. Okay.

MR. FRANCIS: I have a two page in my hand that I'd ask be marked Department's number

DORCELY - DIRECT - FRANCIS

case here, the secretary, Ms. Townes, is informing Dr. Severin that he has used up his emergency lesson plans as a result of his absence, and to please replenish three more.

MR. FRANCIS: I'd ask that Department's 27 for identification be moved into evidence at this time.

MR. MASSENA: Okay, just some brief Voir Dire regarding page two of what is Department's Number 27 marked for identification.

THE HEARING OFFICER: Sure, please.

VOIR DIRE

BY MR. ALAIN MASSENA

Q. As to the second page of what's been marked for identification as Department's Number 27, Principal Dorcelly, this email is an email that was sent from Ms. Townes, who is the secretary, correct?

A. That's correct.

Q. To Dr. Severin, is that correct?

A. Correct.

Q. Okay. And to your knowledge, does the sending of this email include a read receipt?

A. No, to my knowledge, no.

DORCELY - DIRECT - FRANCIS

27 for identification. I have a copy for the Arbitrator. I am handing that over at this time. And I have a copy for Respondent, and I am handing that over at this time.

[Crosstalk]

THE HEARING OFFICER: So, we'll mark this as Department 27 for identification.

MR. FRANCIS: Thank you.

Q. I ask that you look at Department's 27 for identification. Do you recognize this two page document, and if so, what do you recognize it to be?

A. This document is a summary of a disciplinary conference with Dr. Severin and the District representative, Mr. Charlie Turner [phonetic]. In this particular case, I asked Dr. Severin, we have yet to receive his emergency lesson plan, and his response. And it's cited on the handbook, particular what's expected, and that Dr. Severin neglected his duties. It includes my signature. It also includes Dr. Severin's signature on the first page. On the second page, it's a correspondence, and this is in January which is still in term one, where we are informing staff about having emergency lesson plans available. In this

DORCELY - VOIR DIRE - MASSENA

Q. Okay. Okay, so there is no way to authenticate whether or not this document was actually received by Mr.--by Dr. Severin. Is that correct?

A. We discussed it during our meeting.

Q. Okay.

A. It's referenced with his union rep.

Q. Okay. Well, this is not cross examination, but again based on this email, there is no documentation that Dr. Severin received this document, correct?

A. Other than him--the email generated, no, no receipt.

Q. Okay.

MR. MASSENA: Okay, no objection, Your Honor.

THE HEARING OFFICER: Okay. So, Department 27 is in evidence.

[Whereupon Department of Education's Exhibit 27 is admitted into evidence]

DIRECT EXAMINATION (CONT.)

BY MR. FRANCIS

Q. I direct your attention again to Department's Number 1 in evidence, specifically

DORCELY - DIRECT - FRANCIS

Specification number 17. What occurred on or about January 5th, 2015?

A. On January 5th, which was I conducted an observation of Dr. Severin, and in that observation I had given Dr. Severin a directive, because he was showing he needed support with his planning, to submit his lesson plan for my support, and Dr. Severin failed to provide me with the requested document.

MR. MASSENA: Your Honor, once again, I would ask that the witness not read from-- [Crosstalk]

THE HEARING OFFICER: [Interposing] Sure. It's a better practice, and in fact, that's what's expected that you'll testify independent of any documents unless you're directed to a document, based on your inability to recall events. So, if you could just turn over what's in front of you. Thank you very much, Principal. Okay, continue, please.

A. I did not receive the lesson plan to support Dr. Severin, following an observation where it was documented that please to submit those lesson plans for support.

DORCELY - DIRECT - FRANCIS

two, the last page, it is the directive, beginning with in addition you are directed to. In this case here, number two says to submit his period seven lesson plan for feedback and support. And it includes my signature and Dr. Severin's signature.

MR. FRANCIS: I would ask that Department's 28 for identification be moved into evidence at this time.

MR. MASSENA: Okay, objection, Your Honor, just a moment to confer with my client.

THE HEARING OFFICER: Sure, we'll go off the record.

MR. MASSENA: Thank you.

[OFF THE RECORD 0:55:22]

[ON THE RECORD 0:55:22]

THE HEARING OFFICER: Go back on the record. Is there any objection to Department 28?

MR. MASSENA: Yes, Your Honor. As to Department 28, the Respondent objects to the entire performance evaluation document, dated December 22nd, 2014. This is not a competency case. This is a neglect of duty, misconduct, insubordination case, conduct unbecoming case.

DORCELY - DIRECT - FRANCIS

MR. FRANCIS: I have in my hand a five page document that I ask be marked Department's 28 for identification. I have a copy for the Arbitrator, and I am handing it over. And I have a copy for Respondent, and I am also handing that over to Respondent.

THE HEARING OFFICER: So, we're going to mark this as Department 28 for identification.

MR. FRANCIS: I'd ask that the Principal look at Department's 28 for identification.

Q. And tell the Arbitrator if you recognize the document and what you recognize it to be.

A. This is a summary of my disciplinary meeting with Dr. Severin and the District rep, Charlie Turner, where it is cited that Dr. Severin was directed to submit his period seven lesson plans specifically for every Monday for review, feedback, and support and it had to be due by the fifth of January, 2015. And it includes Dr. Severin's signature. On the second page, this is the observation. And in the observation, it includes the notes for the observation. And if you turn to one,

DORCELY - DIRECT - FRANCIS

The only portion that's relevant in the evaluator form, the Annual Professional Performance Review evaluator form, is line number two on the last page of the document, which indicates submit your period seven lesson plans for the week every Monday for review, feedback, and support until further notice. I believe that's the only relevant portion of the evaluation form, the class room observation evaluation form. That's, yeah, I believe that line is the only relevant portion of the observation, class room observation form, not only for Specification 17, but for the entire proceeding, Your Honor.

THE HEARING OFFICER: Okay, Mr. Francis, do you want to be heard?

MR. FRANCIS: Yes. The observation report is one entire document. It references a directive that was given to the Respondent, and the Respondent failed to follow that directive.

THE HEARING OFFICER: Okay. The Department is making the argument it's just one entire document.

MR. FRANCIS: That's correct.

DORCELY - DIRECT - FRANCIS

THE HEARING OFFICER: There's really no basis to segregate out the last page.

MR. FRANCIS: That is correct.

THE HEARING OFFICER: I am very sensitive to the issue being raised by Respondent. I agree this is not an incompetence case. Having said that, to the extent that the last page of the observation report is apparently relevant to the Department's case, I am going to admit the entire document, but you can rest assured, that the Respondent can rest assured that I am not going to be paying any attention to any part of the document, other than that which is relevant. At this point, it seems to be simply the last page, line two. Department 28 is in evidence.

[Whereupon Department of Education's Exhibit 28 is admitted into evidence]

MR. MASSENA: So, Your Honor, so for--

THE HEARING OFFICER: [Interposing] Sure.

MR. MASSENA: --obviously for clarification for the Respondent, as far as the Department's Number 28, it's being admitted into

DORCELY - DIRECT - FRANCIS

or about January 5th, 2015?

A. On January 5th--

[Crosstalk]

THE HEARING OFFICER: [Interposing]

Okay, good, okay. Can you continue?

A. So, on January 5th, Dr. Severin again, in that observation dated December 22nd, was directed to schedule support sessions, so I can support him in his professional practice, and his failure to do that, again, a pattern of just deliberate disregard to directives.

Q. And was that document--was that documented in any way?

A. Yes.

Q. And how was it documented?

A. In a disciplinary meeting on January 5th.

MR. FRANCIS: I have in my hand a two page document that I am going to ask be marked Department's 29 for identification. I have a copy for the Arbitrator.

THE HEARING OFFICER: Okay, we'll mark this as Department 29.

MR. FRANCIS: And I have a copy for Respondent.

DORCELY - DIRECT - FRANCIS

evidence, and as far as the class room observation evaluator form, the evaluator form is being admitted into evidence as it relates to line two on the last page.

THE HEARING OFFICER: Just for that reason only.

MR. MASSENA: Okay.

THE HEARING OFFICER: To the extent that there are any other ratings in there, they are of no interest to me, of no moment, and at any rate, from my perspective, not finalized. We have not had an opportunity to address it, nor would be in this forum, given the nature of this particular case. I am only accepting it because it's just one complete document. There is no point in pulling it apart. I can, as the Hearing Officer, easily disregard, and will disregard, that which is not relevant to this proceeding. It will have no influence on the outcome of this proceeding. Mr. Francis?

MR. FRANCIS: Yes, thank you.

Q. I direct your attention to Specification 18, which is on Department's 1 in evidence. And would you please tell the Arbitrator what occurred on

DORCELY - DIRECT - FRANCIS

MR. FRANCIS: And I ask that the witness take a look at Department's 29 for identification.

Q. Do you recognize this document?

A. Yes.

Q. And what do you recognize it to be?

A. This is a document where a summary of a meeting with the District rep, in this case Charlie Turner, regarding Dr. Severin's failure to my directive that was based on the observation on December 22nd, to schedule four support sessions with me beginning January 5th. The first page also includes Dr. Severin's response, as well as his signature. And on the second page, it is a correspondence with my secretary, Ms. Townes, to Dr. Severin, regarding the new schedule that would have to be--from the first meeting.

MR. FRANCIS: I'd ask that Department's 29 for identification be moved into evidence at this time.

THE HEARING OFFICER: Any objections?

MR. MASSENA: Okay he had mentioned-- just brief Voir Dire.

VOIR DIRE

DORCELY - VOIR DIRE - MASSENA

BY MR. ALAIN MASSENA

Q. You had mentioned, during your testimony, regarding the response. Where is the response, regarding Dr. Severin's response to this email?

MR. FRANCIS: Objection, that's a mischaracterization of the witness' testimony.

THE HEARING OFFICER: I'm not sure I follow. You were saying--you were asking for a document--you're asking if there is any response?

MR. MASSENA: I'll withdraw--

THE HEARING OFFICER: [Interposing]  
I'm not sure I follow.

MR. MASSENA: I withdraw my objection, Your Honor.

THE HEARING OFFICER: Okay.

MR. MASSENA: I withdraw my objection.

THE HEARING OFFICER: All right. So, Department 29 is in evidence.

[Whereupon Department of Education's Exhibit 29 is admitted into evidence]

THE HEARING OFFICER: I have a question for you, Principal, for clarification. What is an instructional support session?

DORCELY - VOIR DIRE - MASSENA

MR. FRANCIS: Again, the--please, could you repeat your question?

THE HEARING OFFICER: Not a problem. When we were--when I was ruling on the admissibility of Department 28, Respondent had made a valid objection that there were certain parts of this document that were not relevant to this proceeding. While I agree with Respondent, I nonetheless admitted the entire document, because it's one document. It's one unified document, and I attempted to reassure Respondent that I would not consider, and would in fact disregard all other parts of Department 28, pages one through I believe it's four, with the exception, with the exception of line two. And I'm asking the Department now if it was just for me to reconsider that ruling in light of Specification 18, Department's 29?

MR. FRANCIS: I would ask that the Arbitrator renew his decision with respect to Department's 28 in evidence, and ask that the entire four page observation, Annual Professional Performance Review, be considered by the Arbitrator and--

DORCELY - VOIR DIRE - MASSENA

MR. DORCELY: It is a meeting, where I am meeting with a teacher, to provide them support in an area of they receive ineffective or developing.

THE HEARING OFFICER: You would meet with the teacher in this case?

MR. DORCELY: Correct, in this case, yeah, I would be meeting with Dr. Severin.

THE HEARING OFFICER: All right. And I also notice that your April 27th, 2015, letter, Department 29, includes the following reference. You were directed in your observation report, dated December 22nd, 2014. Is that the same observation report, counsel, I am directing this now to counsel, that appears in Department 28?

MR. FRANCIS: That's correct.

THE HEARING OFFICER: So, are you asking this Arbitrator, after I made my previous ruling, to expand my consideration of this document to include something other than line two in Department 28, because I had limited my consideration of the document previously to that line and that line only.

DORCELY - VOIR DIRE - MASSENA

THE HEARING OFFICER: [Interposing]

All right. I am not going to do that but what I--I am not going to do that. I am not going to reconsider that part of my ruling. I will, however, simply note that on the last page, the fourth page of the observation report, in line one, there is some reference to the school secretary to schedule four planning sessions with me. I don't know if that has any relation to Specification 18 in Department's Exhibit 29.

MR. FRANCIS: The relevance is that there is an email from the secretary to Principal Dorcelly, and Respondent Severin is cc'd on it, which is instructing, since the secretary forms the schedule, these are the four dates that he was supposed to--

THE HEARING OFFICER: [Interposing]  
Let's go off the record for a moment.

[OFF THE RECORD 1:05:50]

[ON THE RECORD 1:05:50]

THE HEARING OFFICER: Go back on the record. Okay, so based on some off the record communications between me and counsel, it has been--I am deciding now that with regard to

DORCELY - VOIR DIRE - MASSENA

Department 28, I will disregard all of the--all of the observation report, with the exception of both lines one and two on page four. Mr. Francis, it's still your witness.

MR. FRANCIS: Yes. I am going to go-- may we go off the record--

[Crosstalk]

THE HEARING OFFICER: [Interposing]

Sure, let's go off the record.

[OFF THE RECORD 1:06:59]

[ON THE RECORD 1:06:59]

THE HEARING OFFICER: Let's go back on the record. Any additional questions for the Principal?

MR. FRANCIS: Yes.

THE HEARING OFFICER: Mm hmm.

DIRECT EXAMINATION (CONT.)

BY MR. FRANCIS

Q. As a result of the conduct, rather misconduct, of the Respondent as delineated in Specifications one through 18, how did this affect the school?

A. The impact of the deliberate misconduct by Dr. Severin had really impacted not only the staff,

DORCELY - DIRECT - FRANCIS

everyone is set, let's go back on the record.

Mr. Massena, are you ready to proceed with cross examination?

MR. MASSENA: Yes, I am.

THE HEARING OFFICER: Great.

CROSS EXAMINATION

BY MR. MASSENA

Q. All right, good afternoon, Principal

Dorcely. As you have already heard, my name is Alain Massena. I represent the Respondent in this matter.

So, I have a few questions for you. If you need me to repeat any of them, I am more than happy to do so.

If you don't understand them, I am more than happy to repeat them. Okay. Principal Dorcelly, could you just tell us a little bit about your teaching

background, about your background in DOE?

A. This is my twenty fourth year in the DOE.

I was a school aide. I spent ten years--

Q. [Interposing] Okay.

A. --in Professional Performing Arts, where I was--

[Background noise papers shuffling]

Q. [Interposing] I'm sorry, if you could, ten years...?

DORCELY - DIRECT - FRANCIS

but it really created a very toxic environment, where teachers, during the common planning time, were always stating that how does Dr. Severin get to be in his class room -- [00:01] not participating in school related professional assignment. It also had a major impact on the kids, particularly with the Global Regents, where the passing percentage was--it just also, all of the structures you create as a Principal, to service kids, and to see it--the deliberate and at times just uncalled behavior, was very striking, and it really impacted the school in great, great, great proportion.

THE HEARING OFFICER: Anything additional?

MR. FRANCIS: Nothing further.

THE HEARING OFFICER: All right, given the time, let's go off the record. We're also going to provide sufficient time for Respondent to prepare cross examination.

[OFF THE RECORD, Lunch and prepare for cross 1:08:47]

[ON THE RECORD, Lunch and prepare for closing 1:08:47]

THE HEARING OFFICER: Okay. If

DORCELY - CROSS - MASSENA

A. In Professional Performance Arts High School.

Q. Okay. And where is that located?

A. That's 328 West 48th Street.

Q. Okay.

A. Where I was a school aide, a computer coordinator, a substitute teacher. I taught three years at Professional Performance Arts.

Q. As a substitute teacher. Is that correct?

A. That is correct.

Q. Okay.

A. After that, I served three years in LaGuardia Arts High School--

Q. [Interposing] When you say you served three years, you served three years as what? In what--

[Crosstalk]

A. --technology, as the Director of Technology.

Q. Okay.

A. At LaGuardia Arts. Then I transitioned to an Assistant Principal, where I also taught research as an Assistant Principal, and I researched seminar.

Q. And at what point in time did you become Principal of Urban Action Academy?

DORCELY - CROSS - MASSENA

A. The 2013-2014 school year on June 17th.

Q. This June 17th, describe to us that process.

A. I was an Assistant Principal for six years, transitioned by the Superintendent asked me to serve in that capacity as Principal. And I am New York State certified as a building leader by the New York City Department of Education, and I have my certification in New York City as well as an Assistant Principal and Principal.

Q. Okay, but you do not have certification as a teacher. Is that correct?

A. I have certification as a substitute teacher.

Q. As a substitute teacher.

A. That's correct.

Q. So, you have never been certified as a teacher.

A. No.

Q. Okay. So, you pretty much went from school aide to substitute teacher to Assistant Principal.

A. Director of Technology, computer coordinator, then Assistant Principal.

Q. Okay. Okay, so is it--is it fair to say

DORCELY - CROSS - MASSENA

Q. Okay. Well, if you could answer this in a yes or no, if you can, is this something that you wanted?

A. Absolutely.

Q. As I said, if you have any difficulty with my questions, just ask me to repeat them. I am more than happy to do so. Now, you are not tenured yet. Is that correct?

A. No, not yet.

Q. Okay. When are you up for tenure?

A. Decisions will be made this month.

Q. This month, okay. Could you describe to us the process of becoming tenured?

A. You're a Principal for three years, and you go through an evaluation, and you have to meet your PPO goals. I have been rated as an effective Principal for the past three years, so tenure decision is made exclusively by the Superintendent.

Q. Okay. So, is it fair to say you're under a great deal of stress at this particular point in time?

A. No.

MR. FRANCIS: Objection.

THE HEARING OFFICER: Sustained.

DORCELY - CROSS - MASSENA

that, you know, this is something you have worked very hard for to become a Principal? Is that correct?

A. Yeah, education with the Bank Street College, I have my certification.

Q. Okay.

A. I have two Master's Degrees.

Q. Master's in what?

A. Education, leadership. I have a Master's in--a B.S. in criminal justice, majored in forensics and policing, and a Bachelor's Degree in criminal justice, and currently a doctoral student in educational leadership at Stage [phonetic].

Q. Educational leadership, correct?

A. Correct.

Q. Okay. So once again, you have worked--you have worked to get to this position. Is that your--is that fair to say?

A. In education, correct.

Q. Okay. And this was a goal of yours, becoming a Principal. Is that fair to say?

A. I was promoted.

Q. So, this is not something that you wanted?

A. It's a promotion, so I'm excited.

DORCELY - CROSS - MASSENA

Q. So, you said the decision will be made sometime this month?

A. Will be notified by the Superintendent. I just got my rating. I was rated again, three years in a row, as an effective Principal.

Q. Okay. Now, you--you obviously know the Respondent, correct?

A. Yes, I know Dr. Severin.

Q. Okay. And you are--you hired Dr. Severin. Is that correct?

A. The Hiring Committee and I hired Dr. Severin.

Q. Okay. And that was in 2014, correct?

A. Open Market that would be August of 2014.

Q. Okay. And Dr. Severin was referred to you. How did you come to hire Dr. Severin?

A. Dr. Severin was referred to me by Assistant Principal Michelle Williams [phonetic].

Q. And when you say Assistant Principal, Assistant Principal of Urban Action Academy?

A. No. She was an ATR. It means she was assigned for me for the year.

Q. And why was she assigned to you?

A. The rotation of Department of Education.

DORCELY - CROSS - MASSENA

Q. Now, and you said she was referred to you by--Dr. Severin was referred to you by Ms. Williams, correct?

A. That's correct.

Q. Okay. And what was the referral?

A. I have a Social Studies teacher. He used to be my teacher. I know there is a need here for Social Studies. And she made a recommendation and sent us his resume.

Q. Okay. And based on her recommendation, you hired Dr. Severin, correct?

A. No, based on the recommendation of our Hiring Committee.

Q. Mm hmm. And what do you mean by that?

A. I have about--we have a Hiring Committee. It consists of teachers at the school, and when we meet we select candidates for interviews.

Q. Okay. And what was the initial for the--what was his initial position when you hired him?

A. Social Studies.

Q. Now, at some point in June of 2014, withdrawn. Describe to us the early relationship with Dr. Severin.

A. Very professional. I was very excited.

DORCELY - CROSS - MASSENA

questioned by--

MR. FRANCIS: [Interposing] Objection, is it May or is it June?

THE HEARING OFFICER: You say in or around May or June of 2015, continue.

Q. Do you recall being questioned by the--by SCI?

A. Around May or June, at the end of the school year, SCI did pay a visit to the school.

Q. Okay. And they, they spoke to you, correct?

A. Very briefly, correct.

Q. And they asked you a series of questions. Is that correct?

A. Yes.

Q. Okay. And these series of questions were regarding allegations of attempting to change a student's grade, correct?

A. I learned about that from Dr. Severin.

Q. Okay. When you say you learned of that by Dr. Severin, what do you mean by that?

A. During a disciplinary meeting with Dr. Severin, he indicated in a disciplinary meeting that we're having this meeting because you are upset that

DORCELY - CROSS - MASSENA

He'd be joining my team. The Hiring Committee was very excited. This was without us having his profile yet. It was just based on his resume.

Q. Okay. And you were looking forward to him working as a part of your team, correct?

A. As a Social Studies teacher, correct.

Q. Okay. And then, withdrawn. And then the relationship began to change. Is that correct?

A. No.

MR. FRANCIS: Objection, a broad time.

THE HEARING OFFICER: So, you're objecting to the form of the question?

MR. FRANCIS: To the form of the question.

THE HEARING OFFICER: Okay.

MR. FRANCIS: Too broad.

THE HEARING OFFICER: Okay.

Q. I am referring to June of--I am referring to September of 2014. Did the relationship begin to change?

A. No, it was a professional relationship.

Q. Okay, all right. I'd like to draw your attention to June--actually May of 2015. May, on or about May or June of 2015, do you recall being

DORCELY - CROSS - MASSENA

I reported you to SCI. That Dr. Severin's statement, which I--it's in the write up.

Q. When did you first learn that Dr. Severin reported you to SCI?

A. Dr. Severin.

Q. That was the first time you heard of it.

A. He informed me of that, that is the reasons why we're having this meeting, because I reported you to SCI.

Q. And this was done during the disciplinary meeting?

A. That is correct.

Q. Do you recall which disciplinary meeting that was?

A. I think it was in--definitely around June. The disciplinary was about either May or June, but during that hearing--during that meeting he indicated that.

Q. Okay. And it's your testimony before this tribunal that you had no knowledge of this pending SCI investigation prior to Dr. Severin sharing this information with you.

A. I learned of that SCI investigation from Dr. Severin, following where SCI did also come to the



DORCELY - CROSS - MASSENA  
 school as well with the questioning.  
 Q. And what--how were you--what allegations were you made aware of?  
 A. Dr. Severin made me, during the disciplinary meeting, that I am upset because he--he indicated that I am upset because he reported me to SCI. When SCI came to the building, they were asking about testing.  
 Q. And what did they ask you about?  
 A. Testing allegations that Dr. Severin referenced in our discipline meeting.  
 THE HEARING OFFICER: I'm sorry, what did you say? Testing allegation--  
 [Crosstalk]  
 THE HEARING OFFICER: Your voice trails off.  
 MR. DORCELY: Testing allegation that I forced to change a student grade.  
 THE HEARING OFFICER: Mm hmm, thank you.  
 Q. How did you take this information?  
 A. It's allegation.  
 Q. How did you take it?  
 A. I laughed about it.

DORCELY - CROSS - MASSENA  
 the objection, continue.  
 MR. MASSENA: Okay.  
 Q. So, this allegation you said is still pending, correct?  
 A. It's an SCI open investigation.  
 Q. Okay. And is it fair to say that this allegation could somehow affect your career as a Principal?  
 A. No, it's an allegation.  
 Q. No, I understand that, but the results of the investigation, let's say the results of the investigation, is it fair to say that it could somehow affect your career as a Principal?  
 MR. FRANCIS: Objection, it calls for speculation.  
 THE HEARING OFFICER: Sustained. And I also think it's argumentative. I understand the issue, counsel.  
 MR. MASSENA: Okay.  
 Q. Approximately how many teachers are at Urban Action Academy?  
 A. This year?  
 Q. This year and also 2014-2015 academic year.  
 A. I have expanded from 21 to now about 24.

DORCELY - CROSS - MASSENA  
 Q. And you don't take these allegations seriously? Now, let me ask you. This investigation by SCI, is this somewhere--are these--is this investigation somewhere placed in your file as a Principal?  
 A. No.  
 Q. No?  
 A. I believe the allegations of the testing is actually still pending.  
 Q. Okay.  
 MR. FRANCIS: Objection, so much as there is a pending SCI investigation, and the instruction on--regarding talking about it to any individuals, would preclude him from talking about a pending investigation.  
 THE HEARING OFFICER: What instruction are you referring to, counsel?  
 MR. FRANCIS: The instruction that's given to every person that, quote unquote, may or may not be a subject of an investigation, or a participant in the investigation, they are told not to discuss a pending investigation with anybody.  
 THE HEARING OFFICER: I'm overruling

DORCELY - CROSS - MASSENA  
 Q. Okay. So, you began with 21 in 2014, of 2015, so now you have 24 teachers. Is that correct?  
 A. That is, yeah.  
 Q. Okay. And of those 24 teachers, have any of those teachers been--are any of those teachers under a 3020-a? Have you preferred any of those teachers to a 3020-a hearing?  
 MR. FRANCIS: Objection relevance.  
 THE HEARING OFFICER: What is the relevance, counsel?  
 MR. MASSENA: Well, I would ask--  
 [Crosstalk]  
 THE HEARING OFFICER: [Interposing]  
 Okay. You're going to have to get used to this. We're going to ask you again to step outside. We're going to probably be doing that periodically. So, thank you.  
 [Background conversation]  
 MR. MASSENA: Your Honor, the relevance is that obviously, as the Court is probably, that Your Honor has probably ascertained, is that we're of the position that Principal Dorcelly has singled out--singled out Dr. Severin, the Respondent, and therefore I

DORCELY - CROSS - MASSENA

think it is relevant to have an idea of how many other teachers are under 3020-a proceedings.

THE HEARING OFFICER: I am not sure I entirely follow. I mean I will from Mr. Francis--

MR. MASSENA: [Interposing] Yes.

THE HEARING OFFICER: --in a moment, but if in fact a theory of the Respondent is, is that he's been singled out, how does the question what other teachers have you brought charges against, how is that relevant?

MR. MASSENA: It's relevant in that if Mr.--if Principal Dorcey is the only teacher that he's brought 3020-a hearings--

[Background conversation]

THE HEARING OFFICER: Did he get the name wrong?

MR. FRANCIS: No, I thought he was referring to the Respondent.

THE HEARING OFFICER: No, he said the Principal brought charges against--

[Crosstalk]

MR. MASSENA: Yeah, against Respondent, I think it, again, it can be--it can

DORCELY - CROSS - MASSENA

Q. In June of 2015, is that correct?

A. Between May or June at one of our disciplinary meetings.

Q. Okay.

A. I'm not exactly sure of the actual date, and he did made a reference that the reason why we are having a disciplinary meeting is because I reported you to SCI.

Q. Now, you recall having, in September of 2015, you recall having a meeting with staff, correct? With staff members, is that correct?

A. The beginning the first day?

Q. Yes.

A. Yes, we have a meeting--

[Background noise papers shuffling]

Q. Okay. And in that meeting, do you recall stating to Mr. Severin that you are going to ride him?

A. Absolutely not true.

Q. Okay. Do you also recall saying that you are going into beast mode, and that no matter how many complaints are made against you, you just get stronger?

A. That's absolutely not true.

DORCELY - CROSS - MASSENA

go towards that he is being singled out if he is the only teacher.

THE HEARING OFFICER: I can't draw that inference from that, counsel. You're asking me--

[Crosstalk]

MR. MASSENA: [Interposing] I can ask you to draw that inference--

[Laughter]

[Crosstalk]

THE HEARING OFFICER: You could ask me to draw that inference, but I am going to sustain the objection.

MR. MASSENA: Fair enough, Your Honor.

THE HEARING OFFICER: Yeah, let's bring the Principal back. There's no way I could possibly draw that inference. Let's bring the Principal back.

MR. MASSENA: Okay.

Q. Okay. So, I'll withdraw the last question. So, Principal Dorcey, Dr. Severin made you aware of these--of the fact that he had reported you to SCI in June of 2014.

[Background conversation]

DORCELY - CROSS - MASSENA

THE HEARING OFFICER: Let's just stop there. You said going into...?

MR. MASSENA: Beast mode.

THE HEARING OFFICER: Beast.

MR. MASSENA: Yeah.

THE HEARING OFFICER: Thank you. I'm sorry, please continue.

MR. MASSENA: Okay.

Q. So that's it's your testimony that that's not true.

A. It's not just my testimony. It's also the Department of Education's findings--

Q. [Interposing] Well--

[Crosstalk]

Q. --I'm just asking about your testimony.

A. I'm just sorry, a report just came out.

Q. I am asking about your testimony.

A. Sorry, okay.

Q. Principal Dorcey, let me ask you a question now.

A. Sure.

Q. Do you feel the need to add more than what's part of the--what's asked of you in this case?

[Crosstalk]

DORCELY - CROSS - MASSENA

MR. FRANCIS: Objection.

THE HEARING OFFICER: Sustained.

Let's not get into this colloquy with the witness. You just continue to ask your questions.

MR. MASSENA: Sure.

THE HEARING OFFICER: Let's make a record.

Q. Okay. Principal Dorceley, there came a point in time where you had a meeting with the Superintendent, the UFT representative for the school, and Dr. Severin in 2015--in academic 2015-2016 year. Is that correct?

A. That is correct. There was a meeting.

Q. Okay. And in that meeting, it was agreed that there would be what's called a cooling off period. Is that correct?

A. That meeting was taking place between myself--

Q. [Interposing] Yes.

A. --the Chapter Leader, the District leader, Dr. Severin, the Superintendent and one more person, which was the borough person who was there--

[Background noise papers shuffling]

DORCELY - CROSS - MASSENA

quite clear what you mean by following. So, why don't you rephrase the question, please?

MR. MASSENA: Okay.

Q. Do you recall when this cooling period was instituted, cooling off period was instituted?

A. We have met in December, with those parties I noted, and it was agreed upon that the Principal, myself, would not conduct observations. There was no set time.

Q. Okay. And what did you believe was to be the length of the cooling off period?

A. There was a collective understanding that I would not observe Dr. Severin in his class room, his practice, but I can still continue, and held him accountable, for his discipline leader.

Q. Okay. I'd like to draw your attention to Specification two, okay, in the Department's Exhibit Number 1, where you say on or about February 5th of 2016, Respondent failed to adhere to the school cell phone policy, when he allowed students to use their cell phones during his period three class. Now, was this--was this incident, that's referred to in Specification two, was that an incident that you yourself observed?

DORCELY - CROSS - MASSENA

A. And during that meeting, it was suggested that there should be a cooling off period between myself and Dr. Severin, and then Dr. Severin will be transferring February 1st.

Q. Okay. Was there, in fact, a cooling off period?

A. The cooling off period that was suggested to me, I will be the direct supervisor of Dr. Severin, meaning my observations would stop.

Q. Did your observations stop?

A. Yes.

Q. Okay, but you continued to follow Dr. Severin throughout the school, is that correct--

[Crosstalk]

Q. --even during this cooling off period?

THE HEARING OFFICER: Hang on, there is an objection. What's the nature of the objection?

MR. FRANCIS: It calls for testimony, withdrawn. There is no foundation for the question.

THE HEARING OFFICER: I don't have a problem with that. I am overruling the objection. I'm just not, from my perspective,

DORCELY - CROSS - MASSENA

A. No. It was an incident that I observed along with, who was I with, I was with someone that I don't recall. I know I was with someone. I observed that incident. That is correct.

Q. Okay. And isn't it true that when you approached Mr.--Dr. Severin's class room on February 6th--February 5th of 2016, that Dr. Severin was actually outside of the class room speaking to a student at that time?

A. Absolutely not true.

Q. And that actually, and do you recall that the, withdrawn. Who was the co-teacher at that time?

A. Ms. Burlingame.

Q. Okay.

A. I entered the class room.

Q. You entered into the class room. And the co-teacher was inside the class room.

A. That is correct.

Q. And Dr. Severin was outside of the class room.

A. Inside the class room both.

Q. Okay. However, you only disciplined Dr. Severin in reference to this particular incident.

A. Incorrect.

DORCELY - CROSS - MASSENA

Q. Okay.

A. Both teachers got disciplined.

Q. Both teachers were disciplined?

A. That is correct.

[Background conversation]

Q. And you said that was teacher Fennigan [phonetic]?

A. Ms. Burlingame.

Q. Burlingame, okay. And again--

THE HEARING OFFICER: [Interposing]

Can we get a spelling of that name?

MR. DORCELY: Yes, B-U-R-L-I-N-G-M-A--  
I'm sorry, game, so Burlingame, so B-U-R-L-I-N-G-A-M-E.

THE HEARING OFFICER: Thank you very much.

MR. DORCELY: You're welcome.

MR. MASSENA: Okay. And I ask that, once again, as the witness is testifying, that he not refer to documents before.

THE HEARING OFFICER: I think you understand that concept now.

MR. DORCELY: I was thinking of the name.

DORCELY - CROSS - MASSENA

on 3020-a, brought up on a 3020-a hearing?

A. No, she was disciplined for having students' cell phone in the class room, along with Dr. Severin.

Q. Okay. And how was she disciplined?

A. She got a letter to file just like Dr. Severn.

Q. And you spoke with students, correct, regarding this?

A. When I came into the class room, I confiscated four cell phones.

Q. Okay. Were the students upset that you confiscated their cell phones?

MR. FRANCIS: Objection, relevance?

THE HEARING OFFICER: Sustained.

Q. You obtained statements from the students, correct?

A. Yes, I did.

Q. Prior to obtaining the statements from the students, did you return their cell phones to them?

A. Students were given back their cell phone after signing the cell phone policy. I mean they know the cell phone policy. They were given that.

Q. Okay. And once again, the question is,

DORCELY - CROSS - MASSENA

[Crosstalk]

THE HEARING OFFICER: Yeah, that's fine, but it's just a good general rule to be reminded of.

MR. DORCELY: So I'll close my eyes when I'm responding.

[Laughter]

THE HEARING OFFICER: Go ahead.

MR. FRANCIS: I just want to, if I may--

THE HEARING OFFICER: [Interposing]  
Sure.

MR. FRANCIS: --the Respondent attorney directed with witness' attention to Specification two, which is Department's 1 in evidence.

THE HEARING OFFICER: That's true. I don't know if he meant directing him to the paper copy, or just in general directing his attention to what's contained in Specification two, but let's move on. Your point is understood.

MR. FRANCIS: Okay.

Q. Now, was co-teacher Burlingame brought up

DORCELY - CROSS - MASSENA

actually withdrawn. The students came into your--the students were summoned into your office. Is that correct?

A. I confiscated their cell phone.

Q. Okay. And what is the process for a student getting back their cell phone?

A. It means on the offense, if it's first, second, or third.

Q. Okay. What is--what if it's the first offense?

A. They usually get their cell phones back.

Q. The second offense?

A. The process is if it's the second offense, a parent meeting -- [00:01] by our code, the cell phone policy.

Q. Okay and third offense.

A. Then it's subject to them not to have a cell phone, again, for probably a day or a couple of days.

Q. So Student "B", do you know whether or not it was her first offense, second offense, or third offense?

A. I'm unaware if there was.

Q. And what about as to Student "C", do you

DORCELY - CROSS - MASSENA  
 know if it was her first, second, or third?  
 A. I'm unaware.  
 Q. Okay. And do you recall whether or not they received their cell phones prior to signing these statements that have been admitted into evidence as Department's Number 12 or after?  
 A. They signed the statements after.  
 Q. Okay. And what--how do you--how do you memorialize that as to when they received their cell phones?  
 A. Please rephrase that question.  
 Q. Okay, I will.  
 [Background conversation]  
 Q. Do you provide the students with a receipt when you return their cell phones to them?  
 A. Yes, some students get a--they do get something when they get a cell phone.  
 [Crosstalk]  
 A. Yes, some students do get. If I take the cell phone for me, I confiscate it, and I put it right in my desk.  
 Q. Okay. And prior to returning the cell phone, you provide them with a receipt, correct?  
 A. A conversation with them, correct, just a

DORCELY - CROSS - MASSENA  
 MR. MASSENA: Sure.  
 Q. Professor, Principal Dorcelly, when I say do the children receive a receipt, I am referring to receipt, R-E-C-E-I-P-T-S, receipts.  
 A. I believe they do.  
 Q. They do. And that, what--in what form is that receipt given?  
 A. The Dean's Department would give them a receipt that--for cell phones and they're handed back.  
 Q. Okay.  
 A. With along with the cell phone policy.  
 Q. And is a copy of the receipt kept in the school's--does the school keep a copy of the receipt?  
 A. From the Dean's Department, the answer is yes.  
 Q. Okay. So, to your knowledge, did Student "B" receive a receipt when her cell phone was returned to her?  
 A. No, she did not.  
 Q. And did Student "C" receive a receipt when her cell phone was returned to her?  
 [Phone ringing]  
 A. No.

DORCELY - CROSS - MASSENA  
 conversation with the students.  
 Q. And then a receipt.  
 A. Then the cell phone. Here, you know about our cell phone policy.  
 Q. And then the receipt.  
 A. They get their cell phone.  
 Q. Well when I say receipt, what I--  
 THE HEARING OFFICER: [Interposing]  
 Yeah, no, that's fine. Just listen to the question. He's asking about specifically a receipt, so you have to, you know, it may be a yes or a no answer. So, just listen to the question and we'll move along much--  
 [Crosstalk]  
 MR. FRANCIS: --between receipt paper or otherwise, and receiving their cell phone.  
 THE HEARING OFFICER: I hear you. If you don't understand the question, that's another option. In addition to yes or no, you can say I don't answer, but I just think that we'll move through the afternoon's testimony at a better clip more efficiently if you just listen the question and answer it as to the best of your ability directly. Counsel?

DORCELY - CROSS - MASSENA  
 Q. Okay. So other than your testimony, there is no written proof that these students signed this document prior to receiving their cell phones, is that correct?  
 A. Please rephrase that.  
 Q. Sure. Other than your--other than your testimony here today, and withdrawn. Your testimony was that the students received their cell phone prior to writing these documents--prior to writing these statements. Is that correct what's been moved into evidence as Department's 12?  
 A. Students did receive their cell phone.  
 Q. Okay. Now, I understand as soon as they received their cell phone. My question to you is was the statement and the cell phone returned at the same time?  
 A. No.  
 Q. Were the cell phones returned prior to or after--  
 A. [Interposing] Prior.  
 Q. --the statements? Prior to the statements be written. However, the students were aware that you wanted a statement. Is that correct?  
 A. That is correct.

DORCELY - CROSS - MASSENA

Q. And the students were aware that writing the statement was a contingent of receiving their cell phones back. Is that correct?

A. Incorrect.

Q. I'd like to direct your attention to Specification number four, or actually withdrawn. Prior to moving to Specification number four, regarding Specification number three, are there video cameras in the hallways outside of Dr. Severin's Social Studies class?

A. There's surveillance throughout the building.

Q. There's surveillance throughout the building.

A. Correct.

Q. And to your knowledge, does the surveillance--would the surveillance capture you entering into Dr. Severin's class, the manner in which the camera is positioned?

A. It's a clear view of the hallways.

Q. Okay. And do you know how long the video feed is kept on the surveillance cameras?

A. No, I do not.

Q. Okay. You don't know if it's a 30 day loop

DORCELY - CROSS - MASSENA

A. Nineteen to twenty one.

Q. Nineteen to twenty one class rooms, okay. Are they located all on one floor, or are they located on multiple floors?

A. One floor, one wing.

Q. I'm sorry, what was that?

A. One long wing. It's an L shape.

Q. Oh it's, what, just one wing of a floor.

A. Correct.

Q. Oh. And how often do you patrol the floors?

A. Every day.

Q. Every day, and how many times a day?

A. Throughout the day.

Q. And is it your practice to visit each class room?

A. Yes.

Q. Okay. And definitely a practice to visit Dr. Severin's class room.

MR. FRANCIS: Objection, argumentative.

THE HEARING OFFICER: Well, he just said he makes it a practice to visit all the class rooms. That presumably includes

DORCELY - CROSS - MASSENA

or a 90 day loop or...

THE HEARING OFFICER: Is that a yes or a no?

MR. DORCELY: No.

Q. Okay. Now I'm moving to Specification number four. You indicated that, in Specification number four, indicates that on or about November 25th of 2015, the Respondent failed to adhere to the school policy or written directives from school administrators to keep one set of lights in the class room during the viewing of a video or movie. Now, and this is also something that you claim that you observed yourself.

A. That is correct.

Q. Now, let me ask you, Principal Dorcelly, how many class rooms are there in your--in your building--in your school, Urban Action Academy?

A. For my floor?

Q. Yes, if you could give us the layout of your school.

MR. FRANCIS: Objection, relevance.

THE HEARING OFFICER: Overruled.

There's an allegation here about keeping lights on, and I'll permit the question.

DORCELY - CROSS - MASSENA

Respondent's class room, so I am going to sustain the objection.

MR. MASSENA: Okay.

Q. Now, when you arrived at--do you recall what time you arrived at Dr. Severin's class on November 25th of 2015?

A. No.

Q. No, okay. You don't recall if it was during the early part of the day or the latter part of the day, correct?

A. It's hard, no, I don't recall, no.

THE HEARING OFFICER: Just keep your voice up.

MR. DORCELY: No, I don't recall.

THE HEARING OFFICER: Let's just go off the record for a second.

[OFF THE RECORD 1:40:44]

[ON THE RECORD 1:40:44]

THE HEARING OFFICER: Let's go back on the record. I'm sorry, counsel, please continue.

MR. MASSENA: Sure.

Q. You don't recall whether it was earlier in the day or later in the day, correct?

1 DORCELY - CROSS - MASSENA  
 2 A. No, I don't recall.  
 3 Q. Okay. And it's your testimony that as you  
 4 walked by, you noticed that the lights were off in  
 5 the class room, correct?  
 6 A. As I did the walk through, yes.  
 7 Q. Okay. And how long were you observing the  
 8 class?  
 9 A. I immediately saw the lights were off.  
 10 Q. Okay. And what did you do?  
 11 A. I stopped.  
 12 Q. And what did you do next?  
 13 A. I looked in the class room, and I was with  
 14 my fellow Principal colleagues.  
 15 Q. Okay. And when you say Principal  
 16 colleagues, who are you referring to?  
 17 A. There were about three other Principals  
 18 with me.  
 19 Q. Mm hmm. Who were they?  
 20 A. They are CSA District Chairs.  
 21 Q. And CSA again stands for?  
 22 A. Counsel for Supervision and Administration.  
 23 Q. Okay. And you don't recall their names?  
 24 A. Yes. I was with Principal Estevez  
 25 [phonetic]. I was with Assistant Principal

1 DORCELY - CROSS - MASSENA  
 2 correct?  
 3 A. More than that.  
 4 Q. Okay, but also several students were paying  
 5 attention to the video as well, correct?  
 6 A. I did not see that.  
 7 Q. You did not see that, or you did not--  
 8 [Crosstalk]  
 9 A. [Interposing] Because I looked at the front  
 10 of the room.  
 11 Q. --want to see that?  
 12 MR. FRANCIS: Objection argumentative.  
 13 THE HEARING OFFICER: No, it's  
 14 sustained.  
 15 MR. MASSENA: Okay.  
 16 Q. Okay. So, you were--you did not wait for  
 17 the lights to turn on, correct?  
 18 A. I saw the lights were off. We went to the  
 19 back and looked again. I made personal contact with  
 20 Dr. Severin. He saw that I looked into the class  
 21 room, like he saw me.  
 22 Q. Okay. And so, you don't know exactly how  
 23 long the lights were off. Is that correct?  
 24 A. No.  
 25 Q. Okay. And you don't know if they were--if

1 DORCELY - CROSS - MASSENA  
 2 Antoinette [phonetic].  
 3 Q. Okay. And they were there for what  
 4 particular reason?  
 5 A. They were at a CSA meeting with the  
 6 Superintendent.  
 7 Q. Okay. So, as you saw the lights were off,  
 8 what action, if any, did you take at that particular  
 9 moment?  
 10 A. We stopped. We looked at the room. We  
 11 went to the back of the room and saw it was pitch  
 12 dark and kids had their heads down, and there was a  
 13 video playing.  
 14 Q. Okay. Do you recall what the video was?  
 15 A. No, I do not.  
 16 Q. Okay. And did you remain to see at what  
 17 point in time the lights come on?  
 18 A. No. I was by that--we were by that door, I  
 19 would say, for a good maybe one to two minutes just  
 20 like looking. Dr. Severin that I was looking,  
 21 because he made contact with me.  
 22 Q. Okay.  
 23 A. From the front of the room.  
 24 Q. Now, you made a point to mention that one  
 25 or two students had their heads down. Is that

1 DORCELY - CROSS - MASSENA  
 2 they were just off for those two minutes that you  
 3 were observing the class, and they were on  
 4 immediately prior and immediately after.  
 5 MR. FRANCIS: Objection, it calls for  
 6 speculation.  
 7 THE HEARING OFFICER: Overruled.  
 8 A. What was the question?  
 9 Q. The question is, your testimony is that you  
 10 observed that the lights off in this class room for  
 11 approximately one to two minutes.  
 12 A. Right.  
 13 Q. However, you have no way to know when the  
 14 lights were turned off. Is that correct?  
 15 A. Well, I made contact with Dr. Severin.  
 16 Q. That's not the question, Principal Dorceley.  
 17 You have no way to know when the lights were turned  
 18 off. Is that correct?  
 19 A. No.  
 20 Q. Okay. And you have to know when the lights  
 21 were turned on. Is that correct?  
 22 A. No.  
 23 MR. FRANCIS: Objection, it calls for  
 24 speculation. There is no testimony or  
 25 foundation that the lights were ever turned on.

DORCELY - CROSS - MASSENA

THE HEARING OFFICER: Overruled.

Q. And then you left.

A. We left.

Q. Okay. And then you decided to follow disciplinary note--or a disciplinary letter then to Mr.--against Dr. Severin. Is that correct?

A. That resulted in a correspondence the same day it happened.

Q. Okay.

A. Which followed a disciplinary meeting.

Q. Okay. Have you ever heard of a counseling memo?

A. Yeah, I'm familiar with that term.

Q. Describe to us what a counseling memo is.

A. A counseling memo is when you admonish the staff member for doing something that could be considered a letter to file. So, the option is you go to letter to file to make sure that the behavior never happens again.

Q. Okay. Now, a counseling memo--under what circumstances are a counseling memo normally given?

A. There is no certain way it is given. It is, again, it's where there's a letter to file, a counseling memo is an option if the behavior is such

DORCELY - CROSS - MASSENA

particular offense, as you call it, could not be handled with a counseling--could not be handled with a counseling memo.

A. That is because--

Q. [Interposing] Well the question is, again, it's your position that this could not be handled with a counseling memo. Yes?

A. That is correct.

Q. And by November 25th of 2015, you'd already been made aware that there was an investigation that was pending regarding these allegations that Dr. Severin made against you. Is that correct?

A. Say it again, by when?

Q. By November of 2015. You were made aware, withdrawn, to ahead and answer the question.

A. Between May or June from the disciplinary meeting that I had with Dr. Severin, he informed me of that. In addition to that, SCI did visit the school.

Q. And November comes after June. Is that correct?

A. Correct.

Q. So, when you made this--when you used your discretion to have this disciplinary--have this

DORCELY - CROSS - MASSENA

that warrants a discipline meeting, you go for the disciplinary meeting.

Q. Okay. I'm having trouble understanding you, and it's probably just me. So, there are no circumstances where a counseling memo is given? Is that your testimony?

A. You can give a counseling memo.

Q. Okay. It's at the--

A. [Interposing] Discretion of the Principal.

Q. It's at the discretion of the Principal, and one moment. And based on your discretion, you believe that this particular offense warranted a disciplinary letter as opposed to a counseling memo. Is that correct?

A. That is correct.

Q. You have been a Principal for how long?

A. Three years.

Q. And you were an Assistant Principal for how long again?

A. Six years.

Q. You've seen counseling memos given to teachers before. Is that correct?

A. Rarely.

Q. Okay. And it's your estimation that this

DORCELY - CROSS - MASSENA

disciplinary letter put to Mr.--to Dr. Severin's file, that was after June.

A. Yes.

Q. After you had been investigated.

A. Yes.

Q. Okay. I'd like to draw your attention to--

MR. FRANCIS: [Interposing] Just note my objection as to characterization of the witness being, quote unquote, investigated.

THE HEARING OFFICER: Well, it was my understanding from the testimony that he was the subject of an investigation. Isn't that correct, Principal?

MR. DORCELY: Yes.

THE HEARING OFFICER: Thank you, continue.

MR. MASSENA: Okay.

Q. Specification number--I'd like to draw your attention to Specification number three.

MR. FRANCIS: And I withdraw my objection.

THE HEARING OFFICER: Okay.

Q. On or about December 23rd, and you may feel free to look at Exhibit Number 1, Department's



1 DORCELY - CROSS - MASSENA  
 2 Exhibit Number 1--  
 3 [Crosstalk]  
 4 THE HEARING OFFICER: You have  
 5 permission to look at the document any time  
 6 counsel directs you to a document.  
 7 Q. On or about December 23rd of 2015, during  
 8 period six, Respondent filed to attend and  
 9 participate in his common planning meeting with the  
 10 Social Studies Department.  
 11 [Background conversation]  
 12 Q. Principal Dorcelly, what time--what time is  
 13 period six? At what time does period six begin?  
 14 A. Twelve fifteen.  
 15 Q. And at what time does period six, one  
 16 second--  
 17 [Background conversation]  
 18 Q. And at what time, 12:15, correct?  
 19 A. It begins at 12:15.  
 20 Q. And at what time does it end?  
 21 A. Twelve fifty four.  
 22 Q. Okay. Does this particular period have any  
 23 significance in the teacher's day, more so than any  
 24 other period?  
 25 A. It's their C-6 assignment.

1 DORCELY - CROSS - MASSENA  
 2 what's been marked into evidence as Department Number  
 3 14. Do you recognize that?  
 4 A. Yes.  
 5 Q. Okay. What do you recognize it to be?  
 6 A. That is my--this is the attendance sheet  
 7 for Room 101.  
 8 Q. Okay. What does the word power standard  
 9 mean?  
 10 A. That is where we are looking at a  
 11 particular standard.  
 12 Q. Mm hmm, okay. And were you present at this  
 13 meeting?  
 14 A. I signed it.  
 15 Q. Well, the question, again, were you  
 16 present?  
 17 A. Sure, absolutely, I did the narrative.  
 18 Yes, I signed it. I was present.  
 19 Q. Okay. And when you say power standard,  
 20 what does that mean?  
 21 A. We're looking at the Common Core standards,  
 22 where teachers are meeting to identify the key  
 23 standards so they can start addressing it in lessons  
 24 and units.  
 25 Q. Okay. And this meeting is held in Room

1 DORCELY - CROSS - MASSENA  
 2 Q. Okay, their C-6 assignment. And what other  
 3 types of events happen during that period?  
 4 A. Planning.  
 5 Q. Planning.  
 6 A. It's for common planning time, yeah.  
 7 Q. Okay.  
 8 THE HEARING OFFICER: Can you just  
 9 give us a definition of C-6?  
 10 MR. DORCELY: Circle of six  
 11 assignment, where it's contractual that teachers  
 12 do a period of professional assignment.  
 13 THE HEARING OFFICER: Thank you very  
 14 much.  
 15 MR. MASSENA: Thank you.  
 16 [Background conversation]  
 17 THE HEARING OFFICER: Let's go off the  
 18 record for a moment.  
 19 MR. MASSENA: Oh, sure, thank you.  
 20 [OFF THE RECORD 1:50:10]  
 21 [ON THE RECORD 1:50:10]  
 22 THE HEARING OFFICER: Let's go back.  
 23 Let's go back on the record.  
 24 MR. MASSENA: Thank you.  
 25 Q. Principal Dorcelly, I'd like to show you

1 DORCELY - CROSS - MASSENA  
 2 101. Is that correct?  
 3 A. Yes.  
 4 Q. Okay. And Ms. Feguiere is also absent from  
 5 this meeting. Is that correct?  
 6 MR. FRANCIS: Objection, relevance.  
 7 THE HEARING OFFICER: No, overruled.  
 8 You can pursue this.  
 9 A. She's absent, yeah.  
 10 Q. Okay. Was she provided with a disciplinary  
 11 letter as well for being absent?  
 12 A. I'm not--  
 13 MR. FRANCIS: [Interposing] Objection,  
 14 relevance.  
 15 THE HEARING OFFICER: No, overruled--  
 16 [Background noise papers shuffling]  
 17 THE HEARING OFFICER: --and I'll  
 18 permit it.  
 19 Q. Okay, you don't recall. Is that your  
 20 answer?  
 21 A. I'm not sure if her absent--absent from the  
 22 common planning time or absent for the day?  
 23 Q. Absent from the common planning.  
 24 A. I would have to see her records.  
 25 Q. Well, the question is do you know?

DORCELY - CROSS - MASSENA

A. No.

Q. As you sit here today.

MR. FRANCIS: Objection asked and answered.

THE HEARING OFFICER: Well to make sure, it seemed like there were two questions that are folded into one. Are you--is the question before the witness now whether or not he knows if this particular teacher was given a letter to file or otherwise disciplined?

MR. MASSENA: That's the only question.

THE HEARING OFFICER: That's the only question and the answer is?

MR. MASSENA: In regards to this being absent from the common planning.

THE HEARING OFFICER: On December 23rd, 2015. Principal, your answer?

A. Can you rephrase that?

Q. Do you know whether or not the--the teacher missed for--Ms. Fequiere was disciplined as a result of being absent on December--absent from the common planning time meeting on December 23rd of 2015?

A. No, she was not disciplined.

DORCELY - CROSS - MASSENA  
allegations against you?

A. Yes.

Q. Okay. And is it fair to say that after December 23rd of 2015, you had already been investigated, or the investigation had begun against you by SCI?

A. It's still pending, yes.

Q. And in December 23rd, 2015, you were the individual running the common planning time meeting, right?

A. For that particular one, I was present, yes.

Q. You were present, okay. How big is the room?

A. It's a class room.

Q. Okay. Is it smaller than the current room that we sit in?

A. Larger.

Q. Larger, okay. And how were the teachers situated during this planning time, common planning time meeting?

A. Well, they'd be in groups.

Q. Okay, in groups. Are you at the head of the group? How were you situated in the group?

DORCELY - CROSS - MASSENA

Q. She was not disciplined.

THE HEARING OFFICER: And just for the record, forgive me for interrupting, Fequiere is spelled F-E-Q-U-I-E-R-E.

MR. MASSENA: Thank you.

Q. Okay. What are the requirements regarding the common planning time meeting?

A. It's a circle of six assignment. It's their professional duties and responsibilities of the teacher.

Q. Okay. And you run this assignment, correct?

A. No, I'm sometimes there, not all the time.

Q. Okay. And is it fair to say by December 23rd of 2015, the relationship between you and Mr.--and Dr. Severin had taken a turn for the worse?

MR. FRANCIS: Objection as to form.

THE HEARING OFFICER: Yeah, why you don't rephrase it? It's a bit colloquial. I want to make sure the witness understands we're all on the same page. Why don't you rephrase?

MR. MASSENA: Sure.

Q. Is it fair to say that by December 23rd, 2015, you were aware that Dr. Severin had filed

DORCELY - CROSS - MASSENA

A. I just, I sit and facilitate and watch teachers have conversations.

Q. Okay. And it's fair to say that this common planning time meeting is supposed to be an intimate meeting of the teachers, meaning that it's a small group.

A. It's planning. It's all the teachers together for one on one together.

Q. Okay, but the teachers are no less, including you, and the teachers are no less than a few feet away from each other as you discuss these topics. Is that correct?

A. Yeah, you could say yes.

Q. The teachers are seated around a table.

A. Desk.

Q. Desk, okay.

MR. MASSENA: Just one moment, Your Honor.

THE HEARING OFFICER: Sure.

MR. MASSENA: Okay. I will need maybe about--maybe can we go off the record?

THE HEARING OFFICER: Sure, let's go off the record.

[OFF THE RECORD 1:55:58]

DORCELY - CROSS - MASSENA

[ON THE RECORD 1:55:58]

THE HEARING OFFICER: Go back on the record.

Q. Okay, Principal Dorceley, I'd like to draw your attention to Specification five. Specification five reads during the 2015-2016 school year, Respondent, as of December 15, 2015, had failed to attend at least 29 out of 37 mandated professional C-6 assignments, common planning time meeting, on or about the following dates, correct?

A. That is correct.

Q. Okay. Now, your--the way in which you came about this determination is by--is primarily through the use the sign in sheet. Is that correct?

A. That's one way.

Q. Okay.

THE HEARING OFFICER: I'm sorry, what's your answer?

MR. DORCELY: Yes, that's one way.

Q. Now, I am going to show you what has been marked into--moved into evidence as Department Number--

[Background conversation]

Q. --I'll give you that in a second,

DORCELY - CROSS - MASSENA

THE HEARING OFFICER: I'm lost.

MR. FRANCIS: I'm lost, too.

THE HEARING OFFICER: So, tell me just so I can follow the testimony.

[Crosstalk]

THE HEARING OFFICER: I have Department 18.

MR. MASSENA: October 15th, 2015--

THE HEARING OFFICER: [Interposing] Okay.

MR. MASSENA: --where Dr. Severin's name is, in the narrative portion--

THE HEARING OFFICER: [Interposing] Oh, the narrative, okay.

MR. MASSENA: --there is initially a note in Room 128 class room.

Q. Is that correct?

A. That is correct.

Q. Okay. And to your knowledge, do you know who that note was written by?

A. Yes, Assistant Principal Barnett.

Q. Okay. And then that's crossed out, correct?

THE HEARING OFFICER: I'm not on the

DORCELY - CROSS - MASSENA

Department Number--Department Number 15.

[Background conversation]

Q. Eighteen, 18 in evidence, okay, Department Number 18 in evidence.

MR. MASSENA: If the Department could hand that to--

MR. FRANCIS: [Interposing] Let the record reflect that I have handed the witness Department 18 in evidence.

MR. MASSENA: Okay.

Q. Now, looking at Department 18, I believe on the third page you will see, or fourth page--

[Background conversation]

Q. --okay on the seventh page, you'll see what is the beginning of a list of attendance sheets. Is that correct?

A. That is correct.

Q. Okay. Now, October 15th of 2015, you marked Mr.--initially, there's, in the line that's indicated Dr. Severin, initially there is a note, in Room 128 class room. Is that correct? And then it's crossed out.

A. That is correct.

Q. Okay.

DORCELY - CROSS - MASSENA

same page I don't think. Oh, I'm looking at Dr. Severin, the last line. There are apparently two entries for Dr. Severin, and that's my confusion. Now, I'm with you, thank you, continue.

MR. MASSENA: So for the record, to clarify the record, we're looking at the October--Department's Number 18 in evidence, the October 15th common planning time sign in sheet.

Q. Is that correct?

A. That is correct.

Q. Principal Dorceley? And we're currently looking at the entry for Dr. Severin, the first entry for Dr. Severin. Is that correct?

A. That is correct.

Q. And on this sign in sheet, there are two entries for Dr. Severin. Is that also correct?

A. Yeah, duplicates, yes.

Q. Okay. Would you mind educating the Court as to why his name is listed twice?

A. His name and Ms. Fagan [phonetic] as well is listed twice. I created the template. I did the Excel twice, so it did the first two twice, yeah.

THE HEARING OFFICER: I think I

DORCELY - CROSS - MASSENA

interrupted a question you had asked the witness with regard to the cross out. And I just don't-

[Crosstalk]

MR. MASSENA: [Interposing] Yes, I am going to get to that.

THE HEARING OFFICER: And only because I was confused. I was looking at the last entry for Dr. Severin, so why don't you continue, counsel?

MR. MASSENA: Okay.

Q. So, there's an entry in the narrative portion that's written in Room 128 class room. Do you know who wrote that entry?

A. Yeah, that was Assistant Principal Barnett.

Q. And then it's crossed out, correct?

A. It is crossed out on this sheet. That is correct.

Q. Okay. And do you happen to know why it's crossed out?

A. Yes. I would assume it's crossed out because he is not present.

Q. Okay, meaning not present meaning not present in the school?

DORCELY - CROSS - MASSENA

A. From this document, no.

Q. Okay. Okay, I'd like to take you to common planning time meeting October 19th of 2015. Now, in this particular common planning time meeting, Dr. Severin is present, correct?

A. Yes.

Q. Okay. And you could describe to the Court what the MOSL is? I know you did before, but if you could refresh our memory.

A. It's the Measure of Student Learning.

Q. Okay. And why is it indicated here?

A. Because that's the task that the teachers are engaging in.

Q. Okay. So, the teachers are currently engaging in taking the tests, or in grading the tests?

A. Norming, it says norming.

Q. What does that mean?

A. That means they're coming together to norm how to capture student responses, what is the appropriate way to make sure, so everyone is on the same page during that process.

Q. And that's October 15th, 2015.

A. That is correct.

DORCELY - CROSS - MASSENA

A. In that Room 101.

Q. Okay.

THE HEARING OFFICER: I have to stop you. When you say I would assume, it does nothing for the Hearing Officer, because you're only supposed to testify as to things you know. Don't, please don't assume, because there is nothing I can do with testimony where a witness says I assume.

MR. DORCELY: I don't know.

A. But I just wanted to clarify that you asked me. It's a duplicate. The Excel spreadsheet made his name twice, so Ms. Fagan is there twice as well. You see the duplication, so two teachers. It was supposed to stop right there. Excel repeated itself.

Q. Okay.

A. All right.

Q. So, this documentation doesn't indicate whether or not Dr. Severin was present in the school on October 15th of 2015. Is that correct?

A. Rephrase that please.

Q. On October 15th of 2015, do you know whether or not Dr. Severin was present in school that day?

DORCELY - CROSS - MASSENA

Q. Okay. Now, October 20th of 2015, which is indicated in Specification five, we note that there is a line through Dr. Severin's name, correct?

A. That is correct.

Q. Okay. So, that's not necessarily an indication that he's absent, correct?

A. For which one, please?

[Crosstalk]

Q. Oh, I'm sorry, referring to October 20th of 2015, the attendance sheet for October 20th, 2015, which is Department 18 in evidence.

A. Your question, please?

Q. We see a line through Dr. Severin's name. That doesn't indicate that he's not present, correct?

A. That's an indication he is not present.

Q. That's an indication he's not present.

A. That is correct.

Q. Okay, but again, during this particular time period, I see a narrative that there is a MOSL-- the MOSL again is taking place. Is that correct?

A. It's a continuation, correct.

Q. All right. So, the fact that the teachers are working on the MOSL, it's not necessarily common planning time, correct?

DORCELY - CROSS - MASSENA

A. It's a common planning time. They all meet at the same time, so it's called common planning time.

Q. Okay. They can also do the MOSL separately, correct?

A. You can't norm it, no.

Q. Well, this particular page doesn't indicate anything about norming on this particular page, and we're referring to October 20th of 2015.

A. The norming was done on the nineteenth.

Q. Correct. So, on the twentieth--

A. [Interposing] There's no more norming.

Q. So, they do not need to be together for common planning time on October 20th of 2015.

A. There's going to be common planning time every day period six.

Q. Once again, you described the MOSL as a test, correct?

A. No, it's a Measure of Student Learning, correct.

Q. Okay. What is that--what does that process indicate?

A. The MOSL--

[Crosstalk]

DORCELY - CROSS - MASSENA

Q. [Interposing] Is it your testimony that this MOSL procedure is a procedure that must be done by teachers in your school during the common planning time?

A. No.

Q. I'd like to move to October 21st--October 21st, the common planning time. Now, you earlier stated that the MOSL is not a procedure that has to be done by the teachers during the common planning time, correct?

A. No.

Q. I believe that was your testimony earlier.

A. I responded. I said no.

THE HEARING OFFICER: I'm sorry?

MR. DORCELY: I said no. He said the MOSL has to be done during the common planning time.

Q. It does not.

A. No, I said no.

Q. Okay. It can be done separately by the teacher, correct?

A. No, that's incorrect.

Q. If a teacher were to do the common--to do--to work on his MOSL, his or her MOSL, separately

DORCELY - CROSS - MASSENA

MR. FRANCIS: [Interposing] Objection asked and answered.

THE HEARING OFFICER: That's okay.

The witness can answer.

A. The first step in the MOSL is you go through the norming. That was done on the nineteenth. After you norm the exam, where every single teacher knows exactly how to score it, the next stage is once you norm, you still continue to do MOSL. So, you do the norming so that every single teacher gets it. So, the next day, when you finish the norming, you go to the next process of the MOSL. You're still looking at student responses.

Q. And it's your testimony that this particular activity that a teacher is doing, has to be done in a common planning time, during the common planning time.

A. That's what was being done, correct.

THE HEARING OFFICER: That's not the question though. Listen to the question, Principal, and to the best of your ability provide an answer. Counsel, why don't you state--

[Crosstalk]

DORCELY - CROSS - MASSENA

without other teachers, they are able to do that, correct?

A. Then that would become an after school, yes.

Q. But it's not necessarily something where it requires the input of other teachers, correct?

A. That's why it's called common planning time, correct. They have to do it together.

Q. Let me ask you the question once again, Principal Dorcelly. Working on the MOSL, is that grading? Is a teacher grading the test?

A. The first, yes, it's norming the grading, correct.

Q. And is the grading a collaborative effort?

A. To norming, yes.

Q. I am not asking you to norm it, Principal Dorcelly. I'm asking you to grade it.

A. So, repeat the question.

Q. Is grading the MOSL a collaborative effort?

A. No.

Q. Okay. So, if a teacher is, not if, when a teacher is grading the MOSL, there is no need for the teacher to work collaboratively with other teachers. Is that correct?

DORCELY - CROSS - MASSENA

A. That is correct.

Q. Okay. So, you, or actually this is Assistant Principal Barnett, Assistant Principal Barnett, it appeared in Department 18, October 21st common planning time attendance sheet, stated that Mr.--Dr. Severin was in Room 28 class room. Is that correct?

A. That is correct.

Q. Okay. And to your knowledge, did Principal Barnett inquire as to whether or not Dr. Severin was working on his MOSL? He was grading his MOSL at that time?

MR. FRANCIS: Objection, it calls for speculation.

THE HEARING OFFICER: No, it doesn't. This is a very direct question. Did the Assistant Principal communicate such information to you?

MR. DORCELY: The Assistant Principal communicated to me that they are still doing MOSL in Room 101.

MR. MASSENA: Okay.

Q. Let me follow up with the Arbitrator's question. I believe the Arbitrator's question was

DORCELY - CROSS - MASSENA

MOSLs. Is that correct?

A. That is correct.

Q. And as you stated, the grading of the MOSL is not a collaborative effort.

A. It's common planning time, though.

THE HEARING OFFICER: He said no five times.

MR. MASSENA: Okay.

THE HEARING OFFICER: It's in the record.

MR. MASSENA: Okay.

Q. So, my question to you is, does Assistant Principal--did Assistant Principal Barnett inquire, during these dates, as to whether or not, during the common planning time, Dr. Severin was grading the MOSL?

A. I'm not aware of that.

Q. Okay, moving on. October 28th, October 28th, okay, this particular attendance, and referring to Department 8, common planning time attendance sheet, this particular attendance sheet indicates that Dr. Severin is not present. Is that correct?

A. That is correct.

Q. Okay. Do you know where Dr. Severin was on

DORCELY - CROSS - MASSENA

very specific. Did--do you know whether or not Assistant Principal Barnett inquired as to whether or not Dr. Severin was working on his MOSL in Room 128, grading his MOSL in Room 128?

MR. FRANCIS: Objection as to the form of the question. It's a compound question.

[Crosstalk]

THE HEARING OFFICER: [Interposing] All right, so let's break it down, and let's try to get--let's just try to get an answer from the witness.

MR. MASSENA: Sure.

THE HEARING OFFICER: Sustained.

[Crosstalk]

Q. I'll go back a little bit. The MOSL can be graded--the MOSL, it is not necessary that the MOSL be graded collaboratively, correct?

A. No, correct.

Q. And the common planning time is a time for the teachers to work collaboratively, correct?

A. Common planning time, correct.

Q. And during October 20th, October 21st, October 22nd, October 23rd, October 26th, October 27th, October 28th, the teachers were grading their

DORCELY - CROSS - MASSENA

October 28th of 2015?

A. No.

Q. Okay. Was he with you during the common planning time meeting?

MR. FRANCIS: Objection asked and answered.

THE HEARING OFFICER: Yeah, he said he doesn't know.

MR. MASSENA: No, no, I am asking October 28th, was Dr. Severin with him on October 28th of 2015?

THE HEARING OFFICER: I thought the witness had testified, perhaps I am mistaken, that he didn't know, but go on. I'll allow the question. You can answer.

MR. MASSENA: Thank you, Your Honor.

A. I don't recall.

Q. You don't recall, okay.

MR. MASSENA: I'd like this document marked for identification as Respondent's 1.

THE HEARING OFFICER: Two.

MR. MASSENA: Two, Respondent's 2.

THE HEARING OFFICER: Yeah, the Demand for a Bill of Particulars is Respondent's 1.

DORCELY - CROSS - MASSENA

[Background conversation]

MR. MASSENA: Respondent's 2, thank you.

THE HEARING OFFICER: All right, do you have copies for me and for counsel?

MR. MASSENA: Of course not. That would be too easy. I apologize.

[Background conversation]

MR. MASSENA: Sorry. So, you know what? I'm actually going to give you a bunch.

THE HEARING OFFICER: All right, let's go off the record while we deal with the assembly of the documents.

[OFF THE RECORD 2:12:06]

[ON THE RECORD 2:12:06]

THE HEARING OFFICER: Okay. So, let's go back on the record. Mr. Massena?

MR. MASSENA: Yes. At this time, I'd ask that this document be marked for identification as Respondent's Exhibit Number 2. I am handing a copy to the Arbitrator and the Department.

THE HEARING OFFICER: All right, so I'm marking this as Respondent's 2 for

DORCELY - CROSS - MASSENA

Q. Okay.

MR. MASSENA: I'd ask that this document be moved into evidence as Respondent's Number 2.

THE HEARING OFFICER: Any objection?

MR. FRANCIS: No objection, Your

Honor.

THE HEARING OFFICER: Okay, Respondent's 2 is in evidence.

[Whereupon Respondent's Exhibit 2 is admitted into evidence]

MR. MASSENA: Okay.

Q. So, on October 28th of 2015, you summoned Mr.--you summoned Mr. Severin to your--to your office, correct?

A. Yes.

Q. Okay. And that's not a request. Is that fair to say?

A. Rephrase the question, please.

Q. That's not a request. That's a demand. That's a directive, correct?

A. It's a summon, yes.

Q. Okay. And at the same time, and this was for 12:20, correct?

DORCELY - CROSS - MASSENA

identification.

MR. MASSENA: Okay. And I'd ask that the Department--okay, after Respondent has an opportunity to review it I'd ask that the--after the Department has had an opportunity to review the document, I'd ask that they show it to the witness with the Court's permission--

[Crosstalk]

MR. MASSENA: --permission.

Q. Okay. Principal Dorcelly, do you recognize what's been marked for Respondent's Number 2 for identification?

A. Yes.

Q. What do you recognize it to be?

A. That is a summons letter to a disciplinary meeting to Dr. Severin on 12:20.

Q. Okay. And who--on 12/20?

A. The time at 12:20, yeah--

[Crosstalk]

Q. And how was this document generated?

A. It's generated by my secretary.

Q. Okay. And is it a fair and accurate copy of the summons that was provided to Dr. Severin?

A. That is, yes.

DORCELY - CROSS - MASSENA

A. That is correct.

Q. And the common planning time meeting happens at...?

A. Twelve fifteen to twelve fifty four.

Q. Okay. And you marked him absent, withdrawn, withdrawn. And on the October 28th, 2015, common planning time meeting attendance sheet, which is Department's 18 in evidence, Dr. Severin was marked not present, correct?

A. That is correct.

Q. Okay. Was there any indication by Assistant Principal Barnett that Dr. Severin was actually with you at the time of the common planning time meeting?

A. No, those meetings are five minutes.

Q. Well, if you would answer the question--

[Crosstalk]

A. [Interposing] No.

Q. --Principal Dorcelly. No indication, right?

A. No indication.

Q. By Principal Barnett that--

A. [Interposing] AP.

Q. AP, sorry, AP Barnett, AP Barnett that you were at this--that Dr. Severin was meeting with you

DORCELY - CROSS - MASSENA  
 at the time of the common planning time meeting. Is that correct?  
 A. Just rephrase that one.  
 Q. Sure. Dr. Severin was marked not present by AP Barnett, correct?  
 A. That is correct.  
 Q. And on October 28th of 2015. Is that correct, at the common planning time meeting?  
 A. That's incorrect. You said 15, October 28th you mean.  
 Q. Oh, okay. On October 28th of 2015, Dr. Severin was marked not present at the common planning time meeting. Is that correct?  
 A. That is correct.  
 Q. And October 28th of 2015, Dr. Severin was summoned to meet with you at 12:20, correct?  
 A. That is correct.  
 Q. And is that during the sixth period?  
 A. That is correct.  
 Q. And the common planning time occurs during the sixth period. Is that correct?  
 A. That is correct.  
 Q. And to your knowledge, Dr. Severin did appear at this--did appear at the disciplinary

DORCELY - CROSS - MASSENA  
 A. Yes.  
 Q. So, now we're referring to the November 9th, 2015, common planning time attendance sheet. There is no--so Mr. Severin is present at this particular meeting. Is that correct?  
 A. Yes.  
 Q. Okay. And during this particular meeting, they are reviewing the mid-term. Is that correct?  
 A. That is correct.  
 Q. Okay, one moment. I'd also like to draw your attention to November 10th of 2000--November 10th of 2015, the common planning time meeting, okay, the attendance sheet. You indicated that Dr. Severin is not--AP Barnett indicates that Dr. Severin is not present. Is that correct?  
 A. I apologize. I did not hear the date.  
 Q. Oh, sure, November 10th, 2015.  
 THE HEARING OFFICER: I don't know if I have that, November 10th?  
 MR. MASSENA: Yes, November 10th.  
 [Background conversation]  
 [Crosstalk]  
 THE HEARING OFFICER: [Interposing]  
 Oh, I do, forgive me, right here. I just

DORCELY - CROSS - MASSENA  
 conference that you summoned him to, correct?  
 A. That is correct.  
 Q. Okay, one moment. Okay, I'd like to direct your attention to common planning--Department 18, common planning time attendance sheet--  
 [Background conversation]  
 Q. Okay, withdrawn, okay.  
 MR. MASSENA: I'd like to go off the record just for one moment.  
 THE HEARING OFFICER: Sure, we'll go off the record.  
 MR. MASSENA: Okay.  
 [OFF THE RECORD 2:16:53]  
 [ON THE RECORD 2:16:53]  
 THE HEARING OFFICER: Let's go back on the record.  
 MR. MASSENA: Okay.  
 Q. I would like to direct your attention to November 9th, 2015, the Department Number--Department 18, common planning time attendance sheet.  
 A. Which date, please?  
 Q. December, I'm sorry, November 9th. In this particular--and do you have that before you, Principal Dorcelly?

DORCELY - CROSS - MASSENA  
 skipped it.  
 Q. Okay, November 10th, that particular document says that Mr.--Dr. Severin is not present. Is that correct?  
 A. That is correct.  
 Q. And that's by AP Barnett. Is that correct?  
 A. That is correct.  
 Q. Okay.  
 MR. MASSENA: At this time, I'd like this particular document marked as--marked as Respondent's Number 3 for identification. I am handing a copy to the Arbitrator, and I'm also handing a copy to Respondent--to the Department.  
 THE HEARING OFFICER: All right, so I have marked it as Respondent's 3 for identification.  
 MR. MASSENA: And once Respondent--once the Department has had an opportunity to review it, I'd ask that they show it to the witness with the Court's--  
 THE HEARING OFFICER: [Interposing]  
 Yes.  
 MR. MASSENA: --permission.  
 Q. Do you recognize this?



DORCELY - CROSS - MASSENA

A. Yes.

Q. What do you recognize it to be?

A. It is a summons, a disciplinary letter, it's November 10th and at 12:20 p.m. is the date, is the time for the hearing.

Q. Okay. And so again, that's during the sixth period. Is that correct?

A. That is correct.

Q. And the common planning time is during the sixth period. Is that correct?

A. That is correct.

Q. And nowhere did you indicate, on the sign in sheet, that Dr. Severin had a meeting with you on the sign in sheet. Is that correct?

A. Can you please rephrase that question?

Q. Sure. On the November 10th attendance sheet, for the common planning time meeting, is that meeting attended by you or by Assistant Principal Barnett?

A. Assistant Principal Barnett.

Q. And anywhere in this document, referring to Department's 18, November 21st, 2015, common planning time sheet, attendance, does Assistant Principal Barnett indicate that Dr. Severin has a--has a

DORCELY - CROSS - MASSENA

November 13th of 2015, Department 18, Department's 18 in evidence, the November 13th common planning time attendance sheet. Okay, have you had a chance to review that?

A. Yes.

Q. Okay.

MR. MASSENA: At this time, I am handing to the Arbitrator--

[Crosstalk]

MR. MASSENA: At this time, I'd like this document marked for Respondent's Number 4 in evidence--for identification.

THE HEARING OFFICER: All right. So, I'll mark it as Respondent's 4 for identification.

MR. MASSENA: Am I am handing a copy to the Department as well. And once the Department has had an opportunity to review, I'd ask them to show it to the witness.

Q. Okay. Principal Dorcey, you have been handed what is Respondent's Number 4 for identification. Do you recognize it?

MR. FRANCIS: No objection by the Department.

DORCELY - CROSS - MASSENA

disciplinary meeting scheduled with you for that time?

A. No.

Q. Okay. Do you know whether or not Assistant Principal Barnett is aware that Dr. Severin has a common--has a conference, disciplinary conference with you scheduled for that date?

A. Yes.

Q. So, she's aware of this, and nowhere does she indicate that on the documentation.

A. No.

Q. Okay. Okay, I'd like to direct your attention--

THE HEARING OFFICER: [Interposing]

Are you offering Respondent's 3 into evidence?

MR. MASSENA: Oh, thank you. I'd like to offer Respondent's 3 into evidence.

THE HEARING OFFICER: Any objection?

MR. FRANCIS: None by the Department.

THE HEARING OFFICER: Okay.

Respondent's 3 is in evidence.

[Whereupon Respondent's Exhibit 3 is admitted into evidence]

Q. Now, I'd like to direct your attention to

DORCELY - CROSS - MASSENA

MR. MASSENA: Oh, okay. Let's move it into evidence.

THE HEARING OFFICER: Respondent's 4 is in evidence.

[Whereupon Respondent's Exhibit 4 is admitted into evidence]

Q. On November 13th of 2015, did you summon Dr. Severin to a disciplinary conference?

A. Yes.

Q. And was that disciplinary conference scheduled for--scheduled during the sixth period?

A. Yes.

Q. And is the common planning time meeting--does the common planning time meeting take place during the sixth period?

A. Yes.

Q. And Dr. Severin, although the November 13th, withdrawn. The November 13th attendance sheet does not indicate that Dr. Severin was absent from that meeting. Is that correct?

A. No.

Q. Okay. And it doesn't appear to have his signature either. Is that correct?

A. That is correct.

DORCELY - CROSS - MASSENA

Q. Who attend--did you attend this meeting?

A. Yeah, I signed off on it.

Q. Okay. And is it fair to notice that you did not mark him absent?

A. No, I did not.

Q. Okay. And is it fair to say that you were aware that he was also scheduled to be at the disciplinary conference with you at 12:20?

A. Yes.

THE HEARING OFFICER: I'm sorry, could you say that--

MR. DORCELY: [Interposing] Yes.

THE HEARING OFFICER: Thank you.

MR. DORCELY: Mm hmm.

Q. Okay.

MR. MASSENA: One moment, Your Honor.

Q. Okay. I'd like to direct your attention to November 17th, and Department Number 18, the common planning time meeting attendance sheet for November 17th of 2015. And have you had a chance to review that document?

A. Yes.

Q. Yes, okay.

MR. MASSENA: One moment, Your Honor.

DORCELY - CROSS - MASSENA

the 12:20, November 17th disciplinary conference that you summoned him to?

A. I don't recall that.

Q. Okay, but he was summoned, correct?

A. That's correct.

Q. Okay. So, you expected him to be there. Is that fair to say?

A. That is correct.

Q. And you've also had an opportunity to-- before you, you also have the Department's 18 in evidence, the November 17th, 2015, common planning time meeting, correct?

A. That is correct.

Q. Did you attend that meeting?

A. No. My Assistant Principal, Dr. Howell, did.

Q. Okay, Dr. Howard did. To your knowledge, was Dr. Howard aware that Dr. Severin had also been summoned to meet with you during the sixth period?

A. Yes.

Q. He was aware.

THE HEARING OFFICER: And just for the record, it appears to be Dr. Howell, H-O-W-E-L-L. Is that correct, Principal?

DORCELY - CROSS - MASSENA

Okay, at this time, I'd ask that this document be marked for identification as Respondent's Number 5. And I am handing a copy to the Arbitrator and also a copy to the Department for identification, unless there is no objection.

THE HEARING OFFICER: Any objection?

MR. FRANCIS: I haven't looked at it, yet, Your Honor.

THE HEARING OFFICER: Okay, well take your time.

[Background conversation]

[Crosstalk]

MR. FRANCIS: No objection.

THE HEARING OFFICER: So, Respondent's 5 is in evidence.

[Whereupon Respondent's Exhibit 5 is admitted into evidence]

Q. So, you've had an opportunity to review Respondent's 5, correct?

A. Yes.

Q. And what is it?

A. It's a summons letter to Dr. Severin, November 17th, at 12:20 p.m.

Q. Okay. And to your knowledge, did he attend

DORCELY - CROSS - MASSENA

MR. DORCELY: That is correct.

THE HEARING OFFICER: Thank you.

Q. Okay. And nonetheless, despite him being aware that Dr. Severin was summoned to meet with you during the sixth period, he still marked him--he still marked that he did not attend. Is that correct, yes or no?

A. That is correct.

Q. Okay. I'd like to direct your attention-- [Background conversation]

Q. I'd like to direct your attention to November 23rd of 2015, just one moment.

[Background conversation]

Q. Department's Number 18, the common planning time attendance sheet for December 23rd of 2015.

THE HEARING OFFICER: December 23rd or November 23rd?

MR. MASSENA: November 23rd, November 23rd. And at this time, I ask that this document that I'm handing to Your Honorable Arbitrator be marked for identification as Respondent's Number 6. I am handing a copy to the Arbitrator. I'm also handing a copy to the Department.

DORCELY - CROSS - MASSENA

THE HEARING OFFICER: All right. So, I am marking this as Respondent's 6.

MR. MASSENA: I will proceed, unless there is no objection by the Department.

THE HEARING OFFICER: Let's give the Department an opportunity to review Respondent's 6 for identification.

MR. MASSENA: Okay.

MR. FRANCIS: No objection.

THE HEARING OFFICER: Okay.

Respondent's 6 is in evidence.

[Whereupon Respondent's Exhibit 6 is admitted into evidence]

MR. MASSENA: Okay.

Q. You have--you've had an opportunity to review Respondent's 6 in evidence, Principal Dorceley?

A. Yes, Respondent is summoned to a disciplinary meeting on November 23rd at 12:25 p.m.

Q. Okay. And 12:25 p.m. occurs during what period?

A. Common planning time.

Q. Okay. And have you also had an opportunity to review the common planning time attendance sheet for November 23rd of 2015?

DORCELY - CROSS - MASSENA

MR. MASSENA: Just one moment, Your Honor.

THE HEARING OFFICER: Mm hmm.

Q. If you know, Principal Dorceley, November 11th of 2015, does that particular day have any significance for you?

A. No, I don't recall any of that.

Q. Do you know whether or not that date was a holiday where the school may or may not have been closed, November 11th of 2015, if you recall?

A. No, I don't recall that.

Q. Okay. I'd like to draw your attention to November 25th of 2015, the common planning time, Department's Number 18, 2015--I'm sorry, Department Number 18 in evidence, the November 25th, 2015, common planning time attendance sheet. Okay, do you have that before you?

A. Yes.

Q. Okay. And who is present at that meeting? I mean who--did you supervise that meeting?

A. No, my Assistant Principal Barnett.

Q. Okay. And Dr. Severin was present, correct?

A. That is correct.

DORCELY - CROSS - MASSENA

A. Yes.

Q. Okay, and one moment. Okay. And Mr.--Dr. Severin's attendance is not noted on that common planning time meeting. Is that correct?

A. Rephrase that question.

Q. Is Dr. Severin indicated as present or not present on the November 23rd, 2015--November 23rd, 2015, attendance, common planning time attendance sheet?

A. It's indicated not present.

Q. Okay. And who attended that meeting?

A. AP Barnett.

Q. Okay. And was AP Barnett aware that Dr. Severin had a disciplinary meeting scheduled with you for November 23rd, 2015?

A. Yes.

Q. Okay. And again, the common planning time meeting occurs during the sixth period, correct?

A. That is correct.

Q. And the disciplinary meeting was scheduled to occur also during the sixth period. Is that correct?

A. That's correct.

Q. Okay.

DORCELY - CROSS - MASSENA

Q. Okay. I'd like to take--draw your attention to December 10th of 2015, Department's Number 18, December 10th, 2015, common planning time attendance sheet, in evidence.

[Background conversation]

Q. Okay. Have you had an opportunity to find that--to find that attendance sheet?

A. Yes.

Q. Okay, and because I don't have it in front of me. Just give me one second. Okay, thank you.

[Background conversation]

MR. MASSENA: I am going to speed this up. Just one moment, Your Honor.

THE HEARING OFFICER: All right. So, let's go off the record.

MR. MASSENA: Thank you.

THE HEARING OFFICER: Sure.

[OFF THE RECORD 2:33:22]

[ON THE RECORD 2:33:22]

THE HEARING OFFICER: So, let's go back on the record.

Q. Okay. So, December 10th of 2015, Dr. Severin is--you've had an opportunity to review that, correct?

DORCELY - CROSS - MASSENA

A. Yes.

Q. Okay. And Dr. Severin is present at that meeting, correct?

A. Yes.

Q. Okay, even though that meeting is listed as a Specification. Is that correct, which you've had a chance to review as Department's Number 1 in evidence.

A. I'm sorry, the question.

Q. Dr. Severin is listed as present. Is that correct?

A. That's correct.

Q. On the December 10th, 2015, common planning time attendance sheet. Is that correct?

A. Correct.

Q. Okay. And you've also had a chance to review the Specifications, correct? The Specifications that have been entered in this case as Department's Number 1, correct?

A. That is correct.

Q. Okay. And is it fair to say that you provided the Department of Education with the information necessary to draft these Specifications? Is that correct?

DORCELY - CROSS - MASSENA

A. That is correct.

Q. Okay. And the December 14th meeting is, withdrawn. I'd like to draw your attention to the December 15th, 2000--December 15th, 2000, common planning time attendance sheet. Have you had an opportunity to view that?

A. Yes.

Q. Okay. And is Mr.--Dr. Severin is indicated as present or not present for that particular meeting?

A. He did not sign, no.

Q. Okay.

THE HEARING OFFICER: I'm sorry, I didn't get your answer.

MR. DORCELY: He did not sign, no.

THE HEARING OFFICER: What does that mean, no?

MR. DORCELY: I don't see a signature.

THE HEARING OFFICER: Okay, but the question was, I felt the question was he marked absent or not absent, and I want to know the answer. I'm not sure I understand your answer.

MR. DORCELY: He's marked as planning.

Q. What does that mean?

DORCELY - CROSS - MASSENA

A. That is correct.

Q. And you provided them with December 10th. Is that correct?

A. That is correct.

Q. Despite the fact that he was present on that date, correct?

A. Correct.

Q. Okay, just one moment.

[Background conversation]

Q. After the--I'd like you to take a look at what's been identified as Department Number 18 in evidence, common planning time meeting attendance sheet. After the December 10th, 2015, planning sheet, there is another attendance sheet. Is that correct, immediately behind the December 10th, immediately behind the December 10th planning sheet, is that correct?

A. There are several.

Q. And there's several, right?

A. Yeah.

Q. And the one immediately behind the December 10th, 2015, planning sheet, Dr. Severin is present for that one. Is that correct? Present at that meeting is that correct?

DORCELY - CROSS - MASSENA

THE HEARING OFFICER: He's marked as planning, Principal?

MR. DORCELY: He's marked as him and two other colleagues are co-planning based on the narrative.

THE HEARING OFFICER: Oh, I see.

MR. DORCELY: But he did not sign the attendance sheet.

Q. Okay. So, and but you marked him as absent. Is that correct?

A. It's not marked absent on this sheet.

Q. Okay. Well, you've had an opportunity to view Department's 1 in evidence. Is that correct?

A. That is correct.

Q. And Department's 1 in evidence, you've also had an opportunity to, withdrawn. You've had an opportunity to view Department 1 in evidence. Is that correct?

A. That is correct.

Q. And you've had an opportunity to review Specification five under Department's 1 in evidence, correct?

A. That is correct.

Q. And have you also had an opportunity to

DORCELY - CROSS - MASSENA  
review the twenty ninth entry in Department's 1,  
Specification five, in evidence, which indicates that  
Mr. Severin--Dr. Severin was absent or not present at  
the common planning time meeting on December 15th of  
2015.

A. That is correct, yes.

Q. But that's incorrect.

A. What is your question?

Q. That's incorrect, correct, that on December  
15th of 2015, that he was not present? That's  
incorrect.

MR. FRANCIS: Objection as to form.

THE HEARING OFFICER: No. I think  
that the witness understands. If he doesn't  
understand it, he's going to let counsel know.  
Do you understand the question?

MR. DORCELY: Yes.

THE HEARING OFFICER: Okay. So, is it  
correct or incorrect, the entry for December  
15th?

MR. DORCELY: It is correct.

THE HEARING OFFICER: That he was  
absent on that day.

MR. DORCELY: No, he was not present.

DORCELY - CROSS - MASSENA

need, well, can we go off the record?

THE HEARING OFFICER: Sure. We'll go  
off the record and take a short break.

[OFF THE RECORD 2:39:44]

[ON THE RECORD 2:39:44]

THE HEARING OFFICER: Mr. Massena?

MR. MASSENA: Yes, thank you.

Q. Principal Dorcey, I'd like to direct your  
attention to Specification number six, Department's  
Number 1, Specification number six. I believe you  
have a copy in front of you. The allegations are  
that on or about November 12th of 2015, Respondent  
left the school building during the school day,  
without signing the teacher log in the school's main  
office. Are you familiar with that Specification?

A. Yes.

Q. Okay. Now, during your testimony, you  
stated that you observed Dr. Severin, and correct me  
if I'm wrong please, you observed Dr. Severin leaving  
the school. Is that correct?

A. No, I don't recall that.

Q. Oh, okay. Who observed Dr. Severin leaving  
the school?

A. I don't recall that one.

DORCELY - CROSS - MASSENA

He didn't sign.

THE HEARING OFFICER: Okay, hang on.  
It says the charge for Specification five is  
that the Respondent failed to attend a certain  
number of common planning time meetings. And  
one of the dates listed in the Specification, as  
a date that he did not attend, is December 15th.  
So, the question I thought counsel was asking  
you is, is that entry in Department Exhibit 1,  
under Specification five, correct or incorrect?

MR. DORCELY: That is incorrect.

THE HEARING OFFICER: Okay, that's  
all, that's fine.

Q. And you provided this information,  
withdrawn. The information regarding Dr. Severin's  
attendance, or lack of attendance, at the common  
planning time meetings were provided to you--were you  
provided them to the Department of Education. Is  
that correct?

A. That is correct.

Q. To bring these charges against Dr. Severin,  
correct?

A. That is correct.

MR. MASSENA: Your Honor, I'll just

DORCELY - CROSS - MASSENA

Q. No, no, the question is who observed Dr.  
Severin leaving the school?

A. It would be I don't know.

Q. Is there an eyewitness that observed Dr.  
Severin leaving the school?

A. I believe there is someone who observed  
him. I'm not too sure.

Q. Please share with us.

A. No, this--

Q. [Interposing] If you can, share with us.

A. It would be either the secretary--

Q. [Interposing] Well, no, no, I'm not asking  
you to guess. I am asking you to share with us, who  
is the person that observed him leaving the school?

A. I don't recall.

Q. Is there something that would refresh your  
recollection?

A. Yes.

Q. And what would that be?

A. The disciplinary letter.

Q. The disciplinary letter, okay, one moment.  
That actually is in evidence but just give me one  
moment. I am going to direct your attention to  
Department 19.

DORCELY - CROSS - MASSENA

[Crosstalk]

Q. Department 19--

[Background conversation]

THE HEARING OFFICER: This is what I have as Department 19. It makes reference to November 12th.

MR. MASSENA: Thank you, I'm sorry.

Q. I am going to direct your attention to what is Department 19 in evidence.

MR. MASSENA: I'm just going to ask that the Respondent show that--that the Department show that to the witness.

[Background conversation]

MR. MASSENA: Sure. My copy has notes on it.

THE HEARING OFFICER: Okay.

MR. FRANCIS: And you're asking to look at Department's 19? Is that correct?

MR. MASSENA: Yes. It's a November 25th, 2015, disciplinary letter.

MR. FRANCIS: That's what you're referring to, correct?

MR. FRANCIS: Yes. Wait, no sorry, I said that too quickly.

DORCELY - CROSS - MASSENA

THE HEARING OFFICER: Okay.

Q. You observed him.

A. That is correct.

Q. Describe to us how you observed him on that day, despite the fact that just a few moments ago you did not.

MR. FRANCIS: Objection, the same objection.

THE HEARING OFFICER: Well--

[Crosstalk]

THE HEARING OFFICER: [Interposing]

Hang on, hang on, hang on, hang on. You asked--the witness began by saying I don't know. Then the witness said I don't remember. You asked the witness if there was any document that he could look at to refresh his recollection. He said yes. It was the letter--the letter to file. You've now shown the witness the letter to file, and apparently it has refreshed his recollection, and he is now testifying that it was himself who saw the Respondent leave. So, I mean that's, you know, that's the testimony you have elicited. Now, if you want to pursue this, you're welcome to, but his testimony, after now

DORCELY - CROSS - MASSENA

[Background conversation]

MR. MASSENA: Yeah, okay.

Q. I'd like you to take a look at Department 19 in evidence.

A. Okay.

Q. Okay. And once you've had an opportunity to review it, I'd ask you to return it to the Department, just the first page, Department 19 in evidence, to refresh your recollection. And once you've had an opportunity to review it, I'd ask you to return it to the Department.

Q. Okay. You've had an opportunity to review Department 19 in evidence?

A. Yes.

Q. Who observed Dr. Severin leaving the school?

A. I observed that day. It was me.

Q. You observed that day.

A. Yes.

Q. But less than a few minutes ago, for some reason that escaped your knowledge. Is that correct?

MR. FRANCIS: Objection,

argumentative.

MR. MASSENA: Withdrawn, Your Honor.

DORCELY - CROSS - MASSENA

having his memory refreshed, is that it was himself.

MR. MASSENA: Okay.

THE HEARING OFFICER: So, but continue. I'm not trying to short circuit or preclude you from asking other questions, but that's where we're at.

Q. What did you--what did you observe that day?

A. Observed leaving--

[Background noise papers shuffling]

Q. I'm sorry, could you repeat that?

A. Observed Dr. Severin leaving and not signing the late log.

Q. Where did he go?

A. Out of the building.

Q. You saw him leave the building?

A. Leave the main office.

Q. And what do you mean by the main office?

A. One oh three is the main office. I observed. That's why I wrote the letter, the discipline letter.

Q. Okay. So, if you can, if you can help us understand the sequence of events, where is the exit

1 DORCELY - CROSS - MASSENA  
 2 to your building located?  
 3 A. There's 17 exits.  
 4 Q. Okay. Which exit did you see Dr. Severin  
 5 exit from?  
 6 A. Dr. Severin left the main office.  
 7 Q. And where is the main office located?  
 8 A. Right by my office, the Principal's office.  
 9 Q. And--  
 10 A. [Interposing] Where the sign in sheet is  
 11 kept.  
 12 Q. Okay. Well, you stated he left the  
 13 building, not that he left your office.  
 14 A. So, he has a teaching assignment. So if he  
 15 left, he never returned to receive the assignment.  
 16 Q. So, your testimony is that he left the  
 17 building. Is that correct?  
 18 A. That is correct.  
 19 Q. Okay. And you observed him leave the  
 20 building.  
 21 A. I observed him leaving. That is correct.  
 22 THE HEARING OFFICER: That's not the  
 23 question. Let's just make sure that we--listen  
 24 to the question and answer the question. I want  
 25 to develop the record properly. Ask the

1 DORCELY - CROSS - MASSENA  
 2 Q. --you stated that you observed Dr.--you  
 3 stated that you did not observe Dr.--  
 4 A. [Interposing] Severin.  
 5 Q. --leave the building. Is that correct?  
 6 A. Signing the late log.  
 7 Q. The question is did you observe Dr. Severin  
 8 leaving the building?  
 9 A. No, I did not.  
 10 Q. Okay.  
 11 MR. MASSENA: One moment, Your Honor.  
 12 Q. Who maintains this log, this sign in--this  
 13 sign in or sign out sheet log?  
 14 A. It's in the main office, my secretary, Ms.  
 15 Townes.  
 16 Q. Okay, Ms. Townes, and where does Ms.  
 17 Townes--where is this sign in sheet located in  
 18 relationship to the exit?  
 19 A. Of the building?  
 20 Q. Yes.  
 21 A. I would tell you it's a U. You leave the  
 22 main office, and then you make another U, and then  
 23 you go out the main.  
 24 Q. And the sign in sheet is located where in  
 25 relationship to that exit?

1 DORCELY - CROSS - MASSENA  
 2 question again and let's get an answer from the  
 3 Principal, please.  
 4 Q. Did you see him leave the building? Yes or  
 5 no.  
 6 A. No.  
 7 Q. Okay. Did you see him, withdrawn. Just  
 8 one second, withdrawn. The Specification, and you've  
 9 had an opportunity to review Specification number  
 10 six, correct?  
 11 A. That is correct.  
 12 Q. And the allegation that you made. Is that  
 13 correct, Specification number six is an allegation  
 14 that you made? Is that correct, against Dr. Severin?  
 15 A. Not signing the teacher's log?  
 16 Q. And leaving the building, left the school  
 17 building.  
 18 A. Can I refer to the Specification? It says  
 19 the school's main office. Specification number six  
 20 you are referring to, it says left the school  
 21 building during a school day without signing the  
 22 teacher's log in the school's main office. It's by  
 23 my office.  
 24 Q. Principal Dorcey--  
 25 A. [Interposing] Yes.

1 DORCELY - CROSS - MASSENA  
 2 A. In the main office by my office.  
 3 Q. And Ms. Townes maintains this sign in  
 4 sheet, right?  
 5 [Crosstalk]  
 6 Q. Log out sheet.  
 7 A. Log, the teacher log.  
 8 Q. The teacher log.  
 9 A. Correct.  
 10 Q. And where is the log maintained--where is  
 11 the log kept in relationship to Ms. Townes' desk?  
 12 A. Ms. Townes is sitting here.  
 13 MR. MASSENA: Okay. Let the record  
 14 reflect that Principal Dorcey is pointing  
 15 towards his lap.  
 16 A. So, there's a desk here, and that's where  
 17 the log is maintained. My office is right here.  
 18 Q. Okay. And when you say right here, you're  
 19 indicating a distance of...?  
 20 A. I'm sorry, I just want to show you. So,  
 21 you come into the main office. The sign in sheet is  
 22 here. Right here is my office, and it will be to my  
 23 left.  
 24 Q. Okay.  
 25 MR. MASSENA: Let the record reflect

DORCELY - CROSS - MASSENA

that Principal Dorceley is indicating that the sign in sheet is to his left, to the left of his office, or his desk, specifically to the left of his office, and a space no longer--no more than four to five feet.

MR. DORCELY: That's incorrect.

MR. MASSENA: Okay. Please clarify the record.

MR. DORCELY: So, Ms. Townes, the secretary, the sign in sheet is right on top of her desk. It's a big, I forget the name of it, it's right, and then to the left is my office, the conference room and then my office. It's so I see the log every time I go in the main office.

Q. Are you constantly staring at the log?

A. I always look at the log.

MR. FRANCIS: Objection, argumentative.

THE HEARING OFFICER: No, I'll permit it. It's fine.

MR. MASSENA: Okay. And, my apologies, may we go off the record?

THE HEARING OFFICER: Sure, let's go

DORCELY - CROSS - MASSENA

Principal Dorceley. Did you--you did not see him leave the building on November 12th of 2015. It's a yes or no question.

A. The answer is yes.

Q. Your testimony today is--your testimony today is that you saw Principal Dorceley leave the building? I'm sorry, you saw the Respondent leave the building?

A. That is correct.

Q. How long was he away from the building?

A. He did not return.

Q. Are you certain? I'm asking you, are you certain?

A. May I look at the--

Q. [Interposing] No, are you certain?

A. I'm not certain.

Q. Okay. So, again I'd ask you to, well, I'd ask you to the best of your ability, answer the questions with the knowledge that you contain. Okay, so I'll give you another opportunity. It's your testimony that he--you saw him exit the building.

A. It's my testimony Dr. Severin left and did not sign the late log--the teacher log. That is correct.

DORCELY - CROSS - MASSENA

off the record.

[OFF THE RECORD 2:50:14]

[ON THE RECORD 2:50:14]

THE HEARING OFFICER: Okay. So, let's go back on the record.

Q. Do you recall what time of day that was?

A. Yes, that would be around perhaps period four.

Q. Period four. Is there any significance regarding that date and time?

A. Yes. Period four is usually when Dr. Severin takes his lunch and he leaves the building. So, I usually see him leaving the building by my office.

Q. And when you say, once again, when you say leaving the building--

A. [Interposing] He signs out.

Q. --he signs out, but he didn't sign out on that day. That's your testimony.

A. That is correct.

Q. And on that day, you did not see him leave the building.

A. That day he did leave the building.

Q. That's not the question I asked you,

DORCELY - CROSS - MASSENA

Q. That he did not sign the teacher log.

A. That is correct.

Q. But it's not what--not your testimony that he left the building.

MR. FRANCIS: Your Honor, I am going to object again to this. This question has been posed and answered--

[Crosstalk]

THE HEARING OFFICER: [Interposing] Well, you know, it's--

MR. FRANCIS: --several times.

THE HEARING OFFICER: I have heard the question asked of this witness, and I have heard the witness repeatedly say that he did not the Respondent leave the building. And for some reason, Respondent's counsel keeps asking the question, and now we have a slightly different answer, or certainly a more muddled answer. And the answer I am hearing is that, now, is that the Principal did see the Respondent leave the building. I don't know which it is, but now that we have this new testimony. I am going to allow counsel to explore this further but, you know, counsel opened the door by asking him for



DORCELY - CROSS - MASSENA

a fourth time. Counsel, if you'd like you may pursue this. We seem to have a different answer now.

MR. MASSENA: No actually, Your Honor, I'll move on.

THE HEARING OFFICER: Okay, as you like.

MR. MASSENA: Yeah, I'll move on.

Q. I'd like to draw your attention to, just one moment to--

[Crosstalk]

MR. MASSENA: Can we go off the record, please?

THE HEARING OFFICER: Yeah, of course, yes. Let's go off the record.

[OFF THE RECORD 2:53:34]

[ON THE RECORD 2:53:34]

THE HEARING OFFICER: Let's go back on the record. All right, there was a brief off the record conversation. And I just want to make very clear on the record that when I used the term, opened the door, I should not have. And certainly I didn't mean to suggest that the Department's counsel opened the door. I think

DORCELY - CROSS - MASSENA

Q. --academic--per year? Excuse me, was there any particular parameters about this fire drill, or was this fire drill in the course with all other fire drills?

A. This one, students were subject to being scanned.

Q. Okay.

A. So, a full blown fire drill.

Q. Okay. So, explain to us the difference between this fire drill and other fire drills.

A. Students would be returning. So, this fire drill would not be immediate dismissal. So, if it was during the end of the day, students would go home. If it's a fire drill, students are subject back to get scanning.

Q. Okay. And the teachers are aware of this procedure?

A. All of them.

Q. Now, your school is composed of how many--your building has how many schools in your building?

A. There's three schools, one program.

Q. Okay. What are the three schools and what is the one program?

A. Urban Action Academy. I'm on the first

DORCELY - CROSS - MASSENA

what I was simply getting at is that by asking a question repeatedly of this witness, it turned out that we ended up hearing what may have been differing answers. And the record will reflect precisely what it is the witness said.

MR. MASSENA: Okay.

Q. Principal Dorcelly, I'd like to draw your attention to Specification eight, Department Exhibit Number 1 in evidence. Specification eight reads, on or about November 4th, 2015, Respondent permitted a student to enter the school building through exits one and two, instead of entering through the main entrance, where the student would have been subjected to scanning. Okay, what, at what period did this fire drill take place if you recall?

A. I don't recall.

Q. Okay. Is there a specific time that your fire drills take place, any particular period in the day?

A. No, it's random.

Q. Okay. I believe during direct testimony you said that generally you have eight--eight fire drills within the school year--

A. [Interposing] Per year.

DORCELY - CROSS - MASSENA

floor. The second floor is IM, including a program called STEP, for students with disability. And then the third floor is Medical Professions.

Q. Okay. And this was a building wide fire drill, or was this a fire drill that was solely for your school?

A. Oh, it was building wide, building wide.

Q. Okay.

[Background conversation]

Q. Okay. So, it was a building wide fire drill. So, this means that other schools were also participating in the fire drill.

A. That is correct.

Q. How would you describe the relationship between the various administrators and teachers and staff in between--amongst the three different schools and professions?

MR. FRANCIS: Objection as to relevance.

THE HEARING OFFICER: I just, also, I'm just, I am going to sustain the objection also as to form. I'm not sure what you mean between each individual teacher from the different schools?

DORCELY - CROSS - MASSENA

MR. MASSENA: Yes.

THE HEARING OFFICER: It's hard to answer that question, counsel.

MR. MASSENA: Yes, sir.

[Crosstalk]

THE HEARING OFFICER: [Interposing]

So, if you want to rephrase it.

MR. MASSENA: Yeah.

Q. Do the staff, administrators, and teachers of the various schools interact?

MR. FRANCIS: Objection, relevance.

[Crosstalk]

THE HEARING OFFICER: [Interposing]

No, no, that's fine. I'll permit the question.

A. I don't know about the staff, but we meet in building council, all the Principals, every Monday at 7:30.

Q. Okay. And is it fair to say that the Principals of all three schools hold some responsibility for all of the students in the building? Is that fair to say?

A. Yes.

Q. Okay, for example, well withdrawn. So, have you had an opportunity to view the video in

DORCELY - CROSS - MASSENA

MR. MASSENA: Thank you.

THE HEARING OFFICER: Thank you, counsel.

MR. MASSENA: Thank you.

Q. Was present during this--during this particular instance. Is that correct?

A. Our school exit one and two, correct.

Q. Okay. And do you know what her responsibilities were, what her responsibilities were during this fire drill?

A. Making sure her students are out during the fire drill.

Q. Okay. And based on your experience, working along with these three--these two other schools and programs in your school, do the Principals and teachers speak to the other students?

A. Yes.

Q. And it was your testimony that this Principal observed Dr. Severin allowing this woman into the--allowing your student into the school.

A. The student, Student "A", correct.

Q. Okay. And did the--did that Principal indicate to you whether or not she had spoken to the student as well?

DORCELY - CROSS - MASSENA  
relation to this fire drill?

A. No.

Q. You have not seen the video. And at this particular time where it's alleged that Dr. Severin allowed a student to come into the school without being scanned, you were not present at that location at that time. Is that correct?

A. That is correct.

Q. Where were you?

A. I was participating in the fire drill.

Q. What were you doing, where, how?

A. I have to--we all have responsibilities. I exit through five and six.

Q. Okay.

A. This occurred in exit one and two.

Q. Okay. And it was your testimony that Principal, I'm going to get the name wrong.

A. Adaleza Michelena.

Q. Malaza [phonetic] Michelena--

MR. FRANCIS: [Interposing] That's A-D-E-L-Z-A--

MR. MASSENA: [Interposing] Thank you.

MR. FRANCIS: --capital M-I-C-H-E-L-L-E-N-A.

DORCELY - CROSS - MASSENA

A. No, she did not.

Q. But it wouldn't be unusual for her to speak to the student, correct?

A. No. She would inform me of what happened.

Q. That wasn't the question, Principal Dorcelly. Would it be unusual for this Principal from another school to speak to your student?

A. Sometimes unusual.

Q. Sometimes unusual. Okay, so I'll ask the question just one more time. Would it be unusual?

A. Not unusual.

Q. Thank you. And she did, withdrawn. You don't know whether or not she spoke to the student in this particular instance during the fire drill, if she said any words to the student during this fire drill. Is that correct?

A. That is correct.

Q. And you proceeded to speak to her and discipline Dr. Severin, correct?

A. She informed me, yes.

Q. Okay, and you took action to discipline Dr. Severin based on your conversation with her.

A. From my investigation, correct.

Q. Okay. And your investigation entailed...?

DORCELY - CROSS - MASSENA

A. Student statement, and then the Principal informed me what occurred during the fire drill.

Q. Did you watch the video?

A. No, I did not.

Q. Why not?

A. She informed me as my Principal colleague, and a student testified to what had occurred, that Dr. Severin allowed her to come in, Student "A".

Q. But you knew there was a video, correct?

A. You could obtain video, correct.

Q. And you chose not to view the video. Is that correct?

A. That is correct.

Q. I'd like to discuss with you--actually before I move on to another Specification, you--I am going to--I am going to ask you to take a look at what has been marked in evidence as Department Number, one second here--

[Background conversation]

Q. --as Department Number--the November 13th, 2015, disciplinary meeting.

THE HEARING OFFICER: It could be perhaps Department 21.

[Crosstalk]

DORCELY - CROSS - MASSENA

camera and by Principal Adaleza Michelena from High School of Innovation, Advertising, and Media?

A. Yeah, that is correct.

Q. Okay. Who observed them on camera?

A. My Assistant Principal Barnett.

Q. Okay.

MR. FRANCIS: Forgive me, I did not hear that last question and answer.

THE HEARING OFFICER: Okay. So, would you, as a courtesy, just repeat--

MR. MASSENA: [Interposing] Sure.

THE HEARING OFFICER: --the question?

MR. MASSENA: Sure, Your Honor.

Q. You have had an opportunity to review Department Number 21 in evidence. Is that correct?

A. Yes.

Q. Okay. And do you--do you recall stating in that--in that disciplinary letter that Dr. Severin was observed during the fire drill both on camera and by Principal Adaleza Michelena?

A. And that is correct.

Q. Okay. And it's your statement to the Court--the statement to Your Honorable Arbitrator that it was Principal Barnett who--Principal,

DORCELY - CROSS - MASSENA

MR. MASSENA: --21 or 22, 21, Department 21.

Q. Okay. I'd like you to--when you've had an opportunity to review Department 21.

THE HEARING OFFICER: Department 21, I'm not certain that that references the same Specification. Are you moving--I mean my Department's 21 is dated November 13th, 2015--aw, forgive me. No, no, no, I see it now. Thank you. Sorry for the confusion.

MR. MASSENA: Okay. Had I said the Department show the witness Department 21. Thank you.

MR. FRANCIS: Let the record reflect that the witness has been handed Department's 21 in evidence.

MR. MASSENA: Thank you.

Q. Okay. Now, you indicated that--have you had an opportunity to review it?

A. Yes, I have.

Q. Okay. Now, without looking to it, do you recall stating, during this--without reading the disciplinary letter, do you recall stating that Dr. Severin was observed during the fire drill both on

DORCELY - CROSS - MASSENA

Assistant Principal Barnett who observed Dr. Severin.

A. Correct, you observe correct.

Q. Okay. So, you're relying on her--on her, and I'm assuming you had a conversation with her?

A. Yes.

Q. Okay.

THE HEARING OFFICER: She observed the Respondent, according to your testimony, on the video tape.

MR. DORCELY: That is correct.

THE HEARING OFFICER: Okay.

MR. MASSENA: Okay.

Q. You did not--and you chose not to state that anywhere on the--on the disciplinary letter. Is that correct?

A. I wrote you were observed. That is correct.

Q. Okay. Did you have the Assistant Principal sign off on this letter?

A. She was present during the meeting, the disciplinary meeting.

Q. Oh. Did you have her sign off on the letter?

A. No, I signed the letter.

DORCELY - CROSS - MASSENA

Q. Okay.

[Background conversation]

Q. Is there a log book, or a record of some sort, as to what time the particular fire drills are held during the school year?

A. Yes. The AP of Security would have that.

Q. Oh, the AP of Security?

A. Yes.

Q. Okay. And it's your belief that the fire drill held on November 9th, I'm sorry, held on November 4th was not at the end of the day.

A. I don't recall.

Q. Okay. And again, your testimony was that fire drills that are held at the end of the day do not require scanning. Is that correct?

A. Typically, correct.

Q. Okay.

[Background conversation]

MR. MASSENA: One moment, Your Honor.

THE HEARING OFFICER: Sure.

[Background conversation]

MR. MASSENA: May we go off the record for a moment?

THE HEARING OFFICER: Sure. Let's go

DORCELY - CROSS - MASSENA

Q. Okay. And it also says that that's also listed in the handbook as well. Is that correct?

A. That is correct.

Q. That the teachers should reach out to SubCentral if they are going to be out. Is that correct? Absent.

A. That is correct.

Q. And once again, by October 23rd of 2015, you were already on notice that Dr. Severin had filed allegations against you, correct?

A. Repeat that question, please.

Q. By October 23rd of 2015, you were already on notice that Dr. Severin had filed against you--

[Crosstalk]

Q. So, did you check whether or not Dr. Severin had contacted SubCentral?

A. He didn't contact the immediate supervisor.

Q. My question to you is did you check whether or not Dr. Severin had contacted SubCentral regarding October--the alleged October 23rd, 2015, absence?

A. No, I did not check.

Q. Did anyone check?

A. It would be my secretary.

Q. Okay. Did your secretary check?

DORCELY - CROSS - MASSENA

off the record.

[OFF THE RECORD 3:07:34]

[ON THE RECORD 3:07:34]

THE HEARING OFFICER: So, let's go

back on.

Q. Okay. I'd like to direct your attention to Specification nine, okay, Department's Number 1 in evidence, Specification nine, which reads on or about October 23rd, 2015, Respondent failed to contact the main office and or immediate supervisor to inform them of his absence. Now, you--what is the policy regarding absences?

A. You have to contact your direct supervisor, and also call SubCentral.

Q. Okay. Now, you send out what's called a daily docket, correct?

A. My secretary, that is correct.

Q. Okay. And it's a document that you have reviewed. Is that correct?

A. It's vetted, correct.

Q. And in that document, it also indicates that the teachers should reach out to SubCentral. Is that correct?

A. That is correct.

DORCELY - CROSS - MASSENA

A. I'm unaware of that.

Q. Okay. Why is it important to contact SubCentral?

A. Because you got to get a sub.

Q. Okay. And that's the primary purpose of the teacher reaching out to SubCentral, correct?

A. Rephrase that, please.

Q. That's the primary purpose of the teacher reaching out to SubCentral, once they know that they're going to be absent, correct, is to get a sub?

A. I'm sorry, just repeat that one more time.

Q. Sure, no problem. The primary purpose of the teacher reaching out to SubCentral is notifying SubCentral of his absence, so that a substitute teacher can be obtained.

A. That is correct.

Q. Also regarding Specification ten, on or about October 26 of 2000--you allege that the Respondent failed to contact the main office or an immediate supervisor to inform them of his absence. Did you check whether or not the--whether or not Dr. Severin had contacted SubCentral?

A. No, I did not check.

Q. Okay. And you do not know whether or not

1 DORCELY - CROSS - MASSENA  
 2 your secretary checked.  
 3 A. That is correct.  
 4 Q. Okay. Do you know whether or not the  
 5 classes were covered that day?  
 6 A. Yes.  
 7 Q. They were covered.  
 8 A. They were covered.  
 9 Q. So, there was a substitute there.  
 10 A. Not necessarily with a sub. It could be in  
 11 house, so I am not sure.  
 12 Q. But they were classes. Is that correct?  
 13 A. The classes were covered, correct.  
 14 Q. And you don't know whether it was a  
 15 substitute or whether it was in house.  
 16 A. That is correct.  
 17 Q. So, it could have been a substitute.  
 18 A. Correct.  
 19 Q. Okay.  
 20 MR. MASSENA: Can we have just--may we  
 21 go off the record?  
 22 THE HEARING OFFICER: Sure. Let's go  
 23 off the record.  
 24 [OFF THE RECORD 3:11:23]  
 25 [ON THE RECORD 3:11:23]

1 DORCELY - CROSS - MASSENA  
 2 THE HEARING OFFICER: Thank you.  
 3 [Background conversation]  
 4 THE HEARING OFFICER: And you said A  
 5 one?  
 6 MR. DORCELY: A one is referring to  
 7 see teacher attendance and lateness and absences  
 8 and--  
 9 [Crosstalk]  
 10 THE HEARING OFFICER: [Interposing]  
 11 Oh, I'm on the wrong--I'm looking at Department  
 12 9--  
 13 [Crosstalk]  
 14 MR. DORCELY: [Interposing] Okay, the  
 15 2015-2016.  
 16 THE HEARING OFFICER: Twenty fifteen,  
 17 twenty sixteen. My A one says absentee lesson  
 18 plans on page 32.  
 19 MR. DORCELY: Correct, but if you  
 20 notice at the bottom, it said see teacher  
 21 attendance and lateness and absences. I'm just  
 22 going to refer to that.  
 23 THE HEARING OFFICER: Okay, that's not  
 24 a problem.  
 25 MR. DORCELY: I'm sorry.

1 DORCELY - CROSS - MASSENA  
 2 THE HEARING OFFICER: On the record.  
 3 MR. MASSENA: We're back on?  
 4 THE HEARING OFFICER: Yep.  
 5 MR. MASSENA: Okay.  
 6 Q. Principal Dorceley, I'd like to, with the  
 7 Court's permission, and the assistance of the  
 8 Department, for you to show us where in Department's  
 9 Number 9 it states that the Principal--the teachers  
 10 are to report to their direct supervisor.  
 11 THE HEARING OFFICER: You said report,  
 12 counsel. The charge isn't report. It's  
 13 contact--  
 14 [Crosstalk]  
 15 MR. MASSENA: [Interposing] Contact,  
 16 contact.  
 17 THE HEARING OFFICER: --so it's...  
 18 This is an exercise you do by yourself.  
 19 MR. DORCELY: Oh, I'm sorry.  
 20 THE HEARING OFFICER: That's okay.  
 21 MR. DORCELY: Yeah, I'm looking at A  
 22 one, absentee.  
 23 THE HEARING OFFICER: And what page  
 24 are you on?  
 25 MR. DORCELY: I'm on page 32.

1 DORCELY - CROSS - MASSENA  
 2 THE HEARING OFFICER: No, it's okay.  
 3 You said you're looking for teacher attendance,  
 4 lateness, and absence?  
 5 MR. DORCELY: Yeah.  
 6 THE HEARING OFFICER: Take a look at  
 7 page 64, Principal Dorceley, and tell me if  
 8 that's what you're looking for.  
 9 MR. DORCELY: Yes.  
 10 THE HEARING OFFICER: Okay.  
 11 A. Yep, if you are going to be absent, please  
 12 call your direct supervisor at the school. That's  
 13 page 64, under T one, teacher attendance, lateness,  
 14 and absences.  
 15 Q. Okay. And who was Principal Dorceley's  
 16 direct supervisor--  
 17 THE HEARING OFFICER: [Interposing]  
 18 Respondent's, that's okay, it's late in the day.  
 19 [Laughter]  
 20 THE HEARING OFFICER: That's fine.  
 21 Q. Who was Dr. Severin's direct supervisor on  
 22 October 23rd of 2015 and October 26th of 2015?  
 23 A. That would be me, Principal Dorceley.  
 24 Q. Okay, just one moment.  
 25 MR. MASSENA: May we go off the

DORCELY - CROSS - MASSENA  
record?

THE HEARING OFFICER: Sure.

MR. MASSENA: All right.

[OFF THE RECORD 3:15:16]

[ON THE RECORD 3:15:16]

THE HEARING OFFICER: Okay. So, after some off the record discussions, we have all agreed that we're coming back on July 12th at 10:00 to continue the cross examination of the Principal. And we also have scheduled for this matter July 14th. Is there anything further that needs to be added, Mr. Francis?

MR. FRANCIS: Not from the Department.

THE HEARING OFFICER: Okay, Mr. Massena?

MR. MASSENA: Not from the Respondent.

THE HEARING OFFICER: Okay. Thank you all. Have a wonderful July 4th holiday.

MR. MASSENA: Thank you.

THE HEARING OFFICER: Let's go off the record.

(The hearing adjourned at 5:00 p.m.)

Javenska Bernadine [phonetic], Student "A"

Anesha Job [phonetic], Student "B"

Sidney Bowrey [phonetic], Student "C"

# CERTIFICATE OF ACCURACY

329

I, Debbie L. Manning, do hereby certify that the foregoing typewritten transcript of proceedings in the matter of New York City Department of Education v. Jean Richard Severin, File No. 29,298, was prepared using the required transcription equipment and is a true and accurate record of the proceedings to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature:

Date: July 4, 2016

THE STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

In the Matter of  
NEW YORK CITY DEPARTMENT OF EDUCATION  
v.

JEAN RICHARD SEVERIN  
Section 3020-a Education Law Proceeding (File #29,298)

DATE: July 12, 2016

TIME: 10:00 a.m. to 4:00 p.m.

LOCATION: NYC Department of Education  
Office of Legal Services  
100 Gold Street, 3rd Floor  
New York, NY 10038

BEFORE: JAMES BROWN, ESQ.  
HEARING OFFICER

APPEARANCES: FOR THE COMPLAINANT:  
MICHAEL FRANCIS, ESQ., of Counsel  
NYC Department of Education  
Office of Legal Services  
49-51 Chambers Street  
New York, NY 10007  
Telephone: (212) 374-6741  
mfrancis11@schools.nyc.gov

FOR THE RESPONDENT:  
ALAIN MASSENA, ESQ.  
Massena Law P.C.  
305 Broadway, Suite 1001  
New York, NY 10007  
Telephone: (212) 766-1700  
avm@massenalaw.com

Sheet 2

## Table of Contents

## O P E N I N G   S T A T E M E N T

NAME: PAGE:  
A. Massena 369

## W I T N E S S   E X A M I N A T I O N

NAME: PAGE:

S. Dorcely:  
Cross (cont.) by Massena 335  
Redirect by Francis 359

M. Prayor:  
Sworn 372  
Direct by Massena 375  
Voir Dire by Francis 379  
Direct (cont.) by Massena 381  
Voir Dire by Francis 383  
Direct (cont.) by Massena 384  
Cross by Francis 398  
Redirect by Massena 403  
Re-cross by Francis 419  
Voir Dire by Francis 423  
Re-cross by Francis (cont.) 426  
Redirect by Massena 427

J. Severin:  
Sworn 437  
Direct by Massena 438

## C L O S I N G   S T A T E M E N T

NAME: PAGE:  
[None]

## E X H I B I T S

RESPONDENT	DESCRIPTION	I.D.	IN EV.
------------	-------------	------	--------

334

JEAN RICHARD SEVERIN - 07/12/16

1  
2 (The hearing commenced at 10:00 a.m.)  
3 THE HEARING OFFICER: Good morning.  
4 My name is James A. Brown. I am the Hearing  
5 Officer duly appointed pursuant to New York  
6 State Education Law Section 3020-a, its rules  
7 and regulations, as well as the contractual  
8 provisions by and between the United Federation  
9 of Teachers and the New York City Department of  
10 Education. We are here today in the matter of  
11 Jean Richard Severin, SED File Number 29,298.  
12 This is a continuing matter. I note that the  
13 Respondent is in the waiting area. I have also  
14 been told there are problems with security lines  
15 downstairs. I have been sitting here, and so I  
16 have opened the record. I am now going to go  
17 off the record while we await the arrival of  
18 counsel. Thank you.  
19 [OFF THE RECORD, Waiting for attorneys  
20 10:06 a.m.]  
21 [ON THE RECORD, Waiting for attorneys  
22 11:00 a.m.]  
23 THE HEARING OFFICER: On the record.  
24 We're on the record. Okay, so we're back on the  
25 record. I have been joined by counsel,

## Table of Contents

7	Email, Respondent to Superintendent	378	380
	Prayor regarding SCI case		
8	Email, Respondent to Superintendent	382	384
	Prayor		
9	Email, Respondent to Michael Romano	385	386
	DEPARTMENT OF EDUCATION DESCRIPTION	I.D.	IN EV.
30	OSI investigation findings	415	418
31	Exhibit not admitted	419	

335

JEAN RICHARD SEVERIN - 07/12/16

1  
2 Respondent, and the Department's witness. Let's  
3 note our appearances beginning on my left.  
4 MR. MICHAEL FRANCIS: For the  
5 Department of Education, Michael A. Francis.  
6 [Background conversation]  
7 MR. ALAIN MASSENA: Alain Massena for  
8 the Respondent.  
9 THE HEARING OFFICER: And I'll note  
10 for the record that the Respondent is here  
11 present with us, and I'll note that the  
12 Principal has returned for his continued cross  
13 examination. Mr. Massena, are you ready to  
14 cross examine?  
15 MR. MASSENA: I am ready.  
16 THE HEARING OFFICER: All right, I  
17 just want to remind you, Principal, that you are  
18 still under oath.  
19 MR. STEVE DORCELY: Okay.  
20 THE HEARING OFFICER: Mr. Massena?  
21 MR. MASSENA: Sure.  
22 CROSS EXAMINATION (CONT.)  
23 BY MR. MASSENA  
24 Q. Good after--well good morning, Principal,  
25 how are you?



DORCELY - CROSS - MASSENA

A. Good.

Q. Excellent. I just have a few questions for you regarding direct. Your goal at Urban Academy is to--your goal is--what are some of your goals at Urban Academy?

A. To ensure that students are safe, to ensure that the teachers perform to the best of their abilities, and that the students are successful, and to meet my CE goals, which is my comprehensive educational goals, every year.

Q. What does that mean?

A. That means I have five goals throughout the year that I set with my Superintendent. One of the goals was around teacher development. The second goal was graduation. The third goal was parent engagement. The fourth goal was the Danielson. And the final goal was around attendance.

Q. And as part of those goals, it also includes increasing test scores, correct?

A. Graduation, yes.

Q. And graduation is often times determined by test scores. Is that correct?

A. Regents, correct.

Q. Okay. You are aware that Dr. Severin had

DORCELY - CROSS - MASSENA

made against the Principal regarding cheating and regarding his involvement in helping students to cheat, or allowing students to cheat at Urban Action Academy. Obviously, is the Court, that is the Honorable Court is garnered by cross examination, you know, that part of our case is that Mr.--Dr. Severin is, in fact, the whistle blower and, you know, these--the treatment and these allegations, these charges against him, have basically been brought against him because of him coming forward with these allegations. In light of the fact that new allegations of cheating have been brought against the Principal, that actually occur after Dr. Severin was reassigned from the school, I think it's fair--it's a fair opportunity for cross examination to ask the Principal if he is aware of these allegations, especially when the Principal stated on direct examination that Dr. Severin's allegations were completely unfounded and did not occur.

THE HEARING OFFICER: Mr. Francis, would you like to be heard?

MR. FRANCIS: The initial question

DORCELY - CROSS - MASSENA

filed charges against you, or allegations against you, regarding cheating, correct?

A. Yes.

Q. Okay. And it's not the last time that allegations were filed against you regarding cheating. Is that correct?

MR. FRANCIS: Objection, basis?

THE HEARING OFFICER: Hang on. Yes, tell me what the relevance of this question is to this proceeding--

[Crosstalk]

MR. MASSENA: [Interposing] Sure. I would ask the witness to step out.

THE HEARING OFFICER: All right. We're going to have to ask you to step out, Principal. Thank you. I understand your initial question to be whether or not the Principal understood that the Respondent had filed charges or allegations against him, to which he answered in the affirmative. Tell me the relevance of your latest question.

MR. MASSENA: Okay. The relevance, Your Honor, is that it's come to my knowledge recently that additional allegations have been

DORCELY - CROSS - MASSENA

that was posed to him regarding allegations of cheating was investigated by SCI and found to be unsubstantiated, so that closes that particular door.

THE HEARING OFFICER: It may or may not close the door, Mr. Francis.

MR. FRANCIS: And second, reference to any present and or ongoing new investigation, I'm not aware of it. And if you have any information to support that, I would appreciate it--

[Crosstalk]

MR. FRANCIS: --if, in fact, there is an SCI investigation that's open and currently open, the witness, and as you know, the witness nor yourself or anyone else can discuss an ongoing investigation.

MR. MASSENA: Okay, I am unaware--

[Crosstalk]

THE HEARING OFFICER: [Interposing] Hang on, hang on, okay. I am a little bit troubled, quite frankly Mr. Massena, by you asking this witness about investigations into matters that involve him that were not

DORCELY - CROSS - MASSENA

precipitated by charges or allegations made by Respondent himself.

MR. MASSENA: Well--

THE HEARING OFFICER: [Interposing]

There also seems, based on your representation Mr. Massena, that these investigation or investigations into the Principal were made post-date the charges brought against the Respondent. Moreover, I believe you said that they post-date his exit from the school.

MR. MASSENA: Some of them do, Your Honor.

THE HEARING OFFICER: I, you know, I understand, I believe, the Respondent's theory that there may be some retaliatory animus at work here; but I cannot, unless you can explain better to me, I cannot forge a link between whatever retaliatory animus may exist from this Principal towards the Respondent, and allegations or charges made by others. Do you want to take another stab at explaining why you believe this is relevant?

MR. MASSENA: Again, Your Honor, I believe it goes towards the Principal's motive

DORCELY - CROSS - MASSENA

Academy is the teachers keep their lesson plan almost like in a pocket. So, when you come into the class room, there is no disruption at all. When you come in, you take a lesson plan, and there's not even a conversation with the teacher. So, that's what we mean by a physical copy of their lesson plan.

Q. Okay. And as to September 11th of 2015, is it your testimony that you directly went to the class room and did not--and observe that there was not a readily available lesson plan?

A. It was me and two of my Assistant Principals.

Q. Who were those two Assistant Principals?

A. Dr. Howell and AP Barnett.

Q. Okay. And you were--it's your testimony that you were present on September 11th.

A. It was a walk through.

Q. Okay.

THE HEARING OFFICER: I'm sorry?

MR. DORCELY: A walk through.

THE HEARING OFFICER: Thank you.

MR. MASSENA: Okay.

Q. And do you do this for every teacher in the school?

DORCELY - CROSS - MASSENA

to lie, his credibility in terms of his reason for bringing forward these charges. I think it all goes towards his credibility in essence, Your Honor.

THE HEARING OFFICER: All right. I am going to sustain the objection as to charges and allegations made by others in this proceeding. Let's bring the Principal back in, and you note your objection as you like. Let's bring the Principal back in. Mr. Massena, your witness.

MR. MASSENA: Yes, Your Honor. And as the Court noted, I'd just like my objection noted for the record.

Q. Okay. Now, I'd like to draw your attention to Specification number seven, actually withdrawn. That's Specification number 12. You've had an opportunity to review Specification number 12, correct?

A. Yes.

Q. Okay. And when you say a lesson plan readily available upon request of an administrator, how was that lesson plan supposed to be given to an administrator?

A. Well, the system we created at Urban Action

DORCELY - CROSS - MASSENA

A. Yeah, a walk through is the entire building.

Q. Okay. And every teacher had a lesson plan readily available on September 11th, 2015?

A. For the class rooms that I went through, particularly this one, there was no lesson plans available.

Q. Well that, if you could answer the question. Is it your testimony that everyone, every class had a lesson plan readily available on September 11th of 2015?

A. No.

Q. Okay. That's not your--okay, so you do. That is your testimony, okay. Now, on September 11th of 2015, you walked into the class room. Is that correct?

A. Which class room are you referring to?

Q. Dr. Severin's class room.

A. Me and my colleagues, yes.

Q. And you observed some part of the lesson that day. Is that correct?

A. That is correct.

Q. Okay. And you noticed that teacher Fagan [phonetic] was teaching that day, correct? She was

1 DORCELY - CROSS - MASSENA  
2 conducting the class that day. Is that correct, that  
3 lesson?

4 A. No, that's incorrect.

5 Q. Did you also provide teacher Fagan with a  
6 disciplinary letter as well?

7 A. Yes.

8 Q. Okay. Do you have a copy of that  
9 disciplinary letter available?

10 A. Yeah, it's in the file.

11 Q. Okay.

12 MR. MASSENA: And I would ask the DOE  
13 to present a copy of that letter--

14 [Crosstalk]

15 MR. FRANCIS: [Interposing] Objection  
16 as to the relevance of disparate treatment.

17 THE HEARING OFFICER: All right. It's  
18 not my preference to get involved in discovery  
19 disputes.

20 MR. FRANCIS: Okay.

21 THE HEARING OFFICER: I will  
22 ultimately make a ruling if necessary. At this  
23 juncture, it's my understanding the Respondent  
24 is demanding a letter to this particular  
25 teacher's file. The teacher's name is Fagan?

1 DORCELY - CROSS - MASSENA

2 Hearing Officer about invading other employees'  
3 personnel files. If the--and this is the  
4 record.

5 [OFF THE RECORD]

6 [ON THE RECORD]

7 THE HEARING OFFICER: So, let's go  
8 back on the record. Okay, so we're back on the  
9 record in this matter. There were some  
10 discussions, further discussions, regarding the  
11 balance between the Respondent's need, as well  
12 as teacher Fagan's general personnel--general  
13 privacy interests in her--his or her personnel  
14 file. In terms of reaching a decision and the  
15 balance, the balance I just draw, was to deny  
16 the Respondent's request for this particular  
17 letter to file from this teacher's file.  
18 Teacher Fagan is not a party to this proceeding.  
19 I just want the record to reflect. Having said  
20 that, if Respondent feels as though this  
21 particular document is in any way essential to  
22 his defense there are other means available to  
23 him to attempt to secure said document. Let's  
24 move on.

25 MR. MASSENA: Okay.

1 DORCELY - CROSS - MASSENA

2 [Crosstalk]

3 MR. FRANCIS: Fagan, yeah.

4 THE HEARING OFFICER: And is--the  
5 Department has formulated its position that this  
6 is not relevant?

7 MR. FRANCIS: That's correct.

8 THE HEARING OFFICER: Well, I have  
9 limited powers as a Hearing Officer. There are  
10 other means available to Respondent to secure,  
11 you know, documents in discovery. If what I  
12 heard Respondent say is the basis for the  
13 request, namely a claim of disparate treatment,  
14 I find that to be a compelling reason; but we  
15 have other considerations to balance, namely,  
16 the privacy interests that generally attach to  
17 this other teacher, and his or her personnel  
18 file. Let's go off the record for a moment to  
19 further discuss this.

20 [OFF THE RECORD, Discuss case 11:10  
21 a.m.]

22 [ON THE RECORD, Discuss case 11:11  
23 a.m.]

24 THE HEARING OFFICER: You can go back  
25 on the record. I am very, very cautious as a

1 DORCELY - CROSS - MASSENA

2 Q. And when you entered into the class room,  
3 what did you observe?

4 A. Severin was at the front. Ms. Fagan was  
5 somewhere around the side of the class room next to  
6 the window.

7 Q. And on the board?

8 A. There was nothing on the board, no name, no  
9 instructional objective, none of the essential  
10 elements that I expect teachers to have on the board  
11 daily. So immediately after that, we went in. All  
12 three of us went in. We move around the room a  
13 little bit. I check my regular. And then my  
14 Assistant Principal Barnett asked Dr. Severin, may I  
15 please have a copy of your lesson plans because we  
16 did not see it at the regular place. He didn't have  
17 one, so we left the room.

18 Q. And one was provided to you, however, isn't  
19 that correct?

20 A. No. The lesson plan was never provided to  
21 me.

22 Q. Okay. Moving on, I'd like to draw your  
23 attention to Specification number 13. Could you  
24 explain the process of the electronic grades  
25 gathering?

DORCELY - CROSS - MASSENA

A. So, the EGG file, in advance of the due dates for each of the marking periods, in this case here this is marking period three and four, four is the last marking period. So, we have to get these EGG files so we can start making decisions for graduation, end of year stuff. So, in this particular case, we do the daily docket which is a system we created, where we inform the teachers, please be advised the EGG files are due, the marking period grades are due. I also make morning announcements, so I do that every morning, where I remind teachers be advised, you know, grades are due on such and such a date. Make sure you have it in by such and such a time. And that's followed by an email that is sent to every single teacher by the STARS system indicating there here is your EGG file with the date and instructions.

Q. How many teachers failed to submit their-- is it fair to say that Mr. Severin--Dr. Severin was not the only teacher who failed to submit their EGG file by June 15th of 2015?

MR. FRANCIS: Objection relevance.

THE HEARING OFFICER: No, overruled.

A. I'm unaware of that.

DORCELY - CROSS - MASSENA

direct, that other teachers were late.

A. No, they did get letters. You asked me if teachers get letters to file for not submitting the marking period. The answer is yes.

Q. Okay. And but Mr.--Dr. Severin was the only teacher that you provided with a disciplinary letter. Is that correct?

A. For marking three and four, yes, in this case.

Q. And this was after you were made aware that he had filed allegations against you regarding the cheating allegations. Is that correct?

A. No, that's not at that time. I was made aware of the cheating in a disciplinary meeting with Dr. Severin, I believe, on the twenty--I think it was June twenty something when he indicated to me, the only reason you're having this meeting is because I reported you to the SCI for cheating. May I find that for you?

Q. No. And, however, the email was the--just one moment.

MR. MASSENA: Just one moment.

THE HEARING OFFICER: Sure.

Q. Okay. When were you informed--when were

DORCELY - CROSS - MASSENA

Q. Okay. And but you are aware that Dr. Severin is the only teacher to receive a disciplinary letter as a result of this.

A. That's not true.

Q. So, you did provide other disciplinary letters to other teachers when they failed to submit their grades?

A. Absolutely.

Q. Okay. Do you know the names of those teachers?

MR. FRANCIS: Objection relevance.

THE HEARING OFFICER: No, the relevance has already been stated, Mr. Francis. Mr. Massena made clear what his--part of his defense is earlier today. He used the term disparate treatment, which is not uncommon in this forum. I will allow Mr. Massena to further explore this.

Q. What are the names of the other teachers?

A. That received for the marking period three and four?

Q. Yes.

A. None.

Q. However, you stated earlier, in your

DORCELY - CROSS - MASSENA

you informed Dr.--I'm sorry, Principal Dorceley, that the--when were you informed you said regarding the--regarding the investigation?

A. I recall the disciplinary meeting with the District representative. His name is Charlie Turner. We held three disciplinary meetings with Dr. Severin. In one of those meetings, I think it's stated, where I think Dr. Severin referenced, the reason why we're having this is because of I reported you. Somewhere around June I recall that.

Q. Well, now you report--you said you received the email on, withdrawn. You stated that you were made aware of the allegations on June 20th. Is that correct?

A. I did not say that.

Q. When were you made aware of the allegations?

A. I recall that at a meeting, a disciplinary meeting with Dr. Severin, where he informed me, and because I wrote his statement down, when he indicated the reason why we're having this meeting is because I reported you to SCI. I wrote verbatim what he said at one of the disciplinary meetings.

Q. Okay. And it's your statement that that

1 DORCELY - CROSS - MASSENA  
 2 was the first time that you were made aware of this.  
 3 A. By Dr. Severin in a disciplinary meeting.  
 4 Q. Okay, one moment. On April 20--I'd like to  
 5 draw your attention to Specification number 15.  
 6 A. Yes.  
 7 Q. Okay. In Specification number 16 you and  
 8 the Department of Education allege that Dr. Severin  
 9 failed to contact the main office or an immediate  
 10 supervisor to inform them of his absence. And how  
 11 were you made aware of this?  
 12 A. I'm sorry, you said Specification 16 but I  
 13 read 15.  
 14 Q. I'm sorry, 15. I thought I said 15.  
 15 A. All right.  
 16 Q. How were you made aware of this?  
 17 A. Oh, the system we have for teachers who are  
 18 absent for coverages, my secretary does the coverages  
 19 in the morning. If we don't hear from someone, then  
 20 we--  
 21 [Background noise coughing]  
 22 A. --that person is not present. And since  
 23 I'm Dr. Severin's direct supervisor, he would notify  
 24 me that he is not coming.  
 25 Q. Okay. Now, did you contact--did you--do

1 DORCELY - CROSS - MASSENA  
 2 record for a minute.  
 3 [OFF THE RECORD, Review document 11:20  
 4 a.m.]  
 5 [ON THE RECORD, Review document 11:26  
 6 a.m.]  
 7 THE HEARING OFFICER: Let's go back on  
 8 the record. Mr. Massena?  
 9 MR. MASSENA: Sure, thank you.  
 10 Q. You had stated earlier that at a June 15th,  
 11 2015, meeting, disciplinary meeting with Dr. Severin,  
 12 who was present at that particular meeting?  
 13 A. I don't recall if it was the June, but the  
 14 District rep, Charlie Turner.  
 15 Q. Okay. And at what other meetings was he  
 16 present with you and Dr. Severin?  
 17 A. Three of the meetings, one involving what  
 18 you just asked me about in reference the emergency  
 19 lesson plan.  
 20 Q. Okay.  
 21 A. I recall that one very specifically because  
 22 the District rep said to Dr. Severin, you were wrong  
 23 for not submitting your emergency lesson plan. And I  
 24 quoted, because I wrote his quote down. And I also  
 25 recall during Charlie Turner's presence, the other

1 DORCELY - CROSS - MASSENA  
 2 you recall receiving information from SubCentral,  
 3 that he had reached out to SubCentral?  
 4 A. You don't get information from SubCentral.  
 5 Q. Okay.  
 6 A. You just enter it.  
 7 Q. Okay. And do you know whether or not Dr.  
 8 Severin reached out to SubCentral?  
 9 A. I recall in his disciplinary response, I  
 10 recall him stating something regarding SubCentral.  
 11 Q. Okay. I'd like to draw your attention to  
 12 Specification number 16. On or about February 12th,  
 13 2015, Respondent failed to have on file three  
 14 emergency lesson plans. Do you recall...  
 15 MR. MASSENA: Just one moment, Your  
 16 Honor.  
 17 THE HEARING OFFICER: Mm hmm.  
 18 [Background conversation]  
 19 MR. MASSENA: Just one moment, Your  
 20 Honor. Just--  
 21 THE HEARING OFFICER: [Interposing]  
 22 Would you like to go off the record?  
 23 MR. MASSENA: Yeah, just off the  
 24 record.  
 25 THE HEARING OFFICER: Let's go off the

1 DORCELY - CROSS - MASSENA  
 2 one involved him not scheduling the support sessions  
 3 with the secretary, Ms. Townes [phonetic]. So, he  
 4 received a letter for that. And I recall there is  
 5 one more involving the District rep, where also he  
 6 talked to Dr. Severin that his behavior was wrong.  
 7 THE HEARING OFFICER: When you make  
 8 reference to the term District rep, is that a  
 9 union title?  
 10 MR. DORCELY: Yes.  
 11 THE HEARING OFFICER: Thank you.  
 12 MR. DORCELY: That's for the District.  
 13 THE HEARING OFFICER: Thank you.  
 14 Q. Okay. Regarding Specification--okay, I'd  
 15 like to draw your attention to Specification number  
 16 18. You state that the Respondent failed to follow  
 17 directives given by administration to schedule four  
 18 instructional support sessions. Those four  
 19 instructional support sessions did occur. Is that  
 20 correct?  
 21 A. That is correct after.  
 22 Q. Okay. And regarding the January 5th, 2000-  
 23 -drawing your attention to Specification number 17,  
 24 on January 5th, 2015, Respondent failed to follow a  
 25 directive given by administration to supply weekly

DORCELY - CROSS - MASSENA  
 lesson plans to administration. Those lesson plans  
 also were supplied. Isn't that correct?

A. That is incorrect. That's why there was a  
 discipline meeting. That's the third one with the  
 District rep, Charlie Turner.

Q. Okay.

A. And from that meeting, Mr. Turner--Dr.  
 Severin was present and he acknowledged that he was  
 wrong for not submitting the lesson plan, the three  
 emergency lesson plans, and then not scheduling the  
 sessions for me.

Q. Okay.

A. That was a result of his ineffective rating  
 in his observation.

Q. Now, I'd like to draw--I'd like to--now,  
 are these, regarding the Specifications that you drew  
 up in, withdrawn. Regarding some of the charges,  
 regarding January 5th of 2015, February 12th of 2015,  
 April 23rd of 2015, some of these particular  
 allegations did not have disciplinary letters. Is  
 that correct?

MR. FRANCIS: Objection compound  
 question.

THE HEARING OFFICER: I think I

DORCELY - CROSS - MASSENA

[Crosstalk]

Q. And all of those discipline--those  
 disciplinary letters were not all drafted on the same  
 dates. Is that correct?

A. Not, with the exception one. We have met  
 with Charlie Turner, and we gave Dr. Severin--we  
 held--Turner came in one day. We had three meetings,  
 and gave Dr. Severin three disciplinary meetings--  
 letters as a result of that one meeting with the  
 District rep.

Q. Okay.

MR. FRANCIS: I believe I am almost  
 finished. I just need a few moments.

THE HEARING OFFICER: Okay. So, we'll  
 go off--

[Crosstalk]

THE HEARING OFFICER: We'll go off the  
 record.

[OFF THE RECORD, Break 11:30 a.m.]

[ON THE RECORD, Break 11:35 a.m.]

THE HEARING OFFICER: So, let's go  
 back on the record. Mr. Massena?

MR. MASSENA: Yes. We are done with  
 this witness. We do -- [00:01] the opportunity

DORCELY - CROSS - MASSENA  
 understood the question. Did you understand the  
 question?

MR. DORCELY: No.

THE HEARING OFFICER: All right, so  
 let's rephrase it.

Q. The January 5th, 2015, allegations, and  
 right now I am having you look at Specification,  
 yeah, Specifications number 14 through 18, so  
 actually withdrawn, looking at 15 through 18.

A. Okay.

Q. Fifteen through 18, I'm looking at  
 Specifications 15 through 18. How many of these  
 Specifications were the result of, well withdrawn,  
 also have disciplinary letters attached to them?

MR. FRANCIS: Asked and answered,  
 objection, asked and answered.

THE HEARING OFFICER: Overruled.

MR. FRANCIS: Several times.

THE HEARING OFFICER: Well, I'm not  
 sure I have the answer, Mr. Francis, so I am  
 going to permit the question.

A. Each of the Specifications, 15, 16, 17, and  
 18, they all have disciplinary letters.

Q. And--

DORCELY - CROSS - MASSENA

to call him as a witness.

THE HEARING OFFICER: Okay. Mr.

Francis, does the Department have any redirect?

MR. FRANCIS: Yes.

REDIRECT EXAMINATION

BY MR. FRANCIS

Q. On cross examination, you indicated that  
 you started out as a school aide. Is that correct?

A. Yes.

Q. What were your duties and responsibilities  
 as a school aide?

A. As a school aide, I was responsible for  
 computers, cafeteria, anything that the school deemed  
 appropriate for me to do, including working with kids  
 on a daily basis.

Q. Now, you indicated the Hiring Committee  
 hired the Respondent as a Social Studies teacher,  
 correct?

A. That is correct.

Q. And you said that was based upon his  
 resume. Is that right?

A. That is correct.

Q. And with respect to the resume submitted by  
 Respondent Severin, did you have an opportunity to

DORCELY - REDIRECT - FRANCIS

vet that resume since his hiring?

A. Yes. I actually had an opportunity to vet that resume. I went back and I discovered that Dr. Severin has been to ten different Districts. Dr. Severin was a substitute teacher from 1997 to 2006, where he has been to three different schools. He was discontinued on his license as a middle school Social Studies teacher. In addition, he received two unsatisfactory ratings.

MR. MASSENA: Objection, Your Honor.

THE HEARING OFFICER: And on what grounds?

MR. MASSENA: This is not relevant towards the hearing, Your Honor.

THE HEARING OFFICER: Mr. Francis?

MR. FRANCIS: This is very relevant to the hearing, as the resume was submitted, and I am asking him a question as to why he was hired, and if it was based on this resume. And the question is if he had an opportunity to vet the resume and what did he find out.

THE HEARING OFFICER: I'm sustaining the objection on the grounds of relevance.

Q. Now, you mentioned that teachers, both on

DORCELY - REDIRECT - FRANCIS

Q. [Interposing] When you say his foot is up, what do you mean by that?

A. He is sitting at his desk and the lights are off. His two feet is actually up on the desk, and he's back like this, and the lights are off, and his eyes is actually closed.

Q. Okay. Now, there was discussion regarding the common plan--common planning time, and there was discussion regarding his absence from those common planning times. Is that correct?

A. That is correct.

Q. Now, on cross examination, it was discussed that you had disciplinary conferences with the Respondent during the time that he was having this--he was absent from the common planning time. Is that correct?

A. That is correct.

Q. How long does it take for you to do a disciplinary conference with the Respondent?

A. No more than ten minutes.

Q. And after the ten minutes of the disciplinary conference, it is expected that he goes back to his--go back to the common planning time, correct?

DORCELY - REDIRECT - FRANCIS

direct examination, both teachers in the class were disciplined with letters to file, with respect to teacher--

A. [Interposing] Burlingame.

Q. --Burlingame, and both teachers were disciplined, correct?

A. That is correct.

Q. And you indicated that the--as the Dean of the department, you issued receipts for the confiscated phones. Is that correct?

A. That is correct.

Q. And the phones were returned to the students at the end of the day. Is that right?

A. That is correct.

Q. And you indicated that you observed Respondent Severin during the sixth period. Is that right?

A. That is correct.

Q. And what did you observe?

A. I observed that the Respondent missed common planning time and he would go into his class room and not attend common planning time. He would be in his class room, lights off, his foot is up. I also observed--

DORCELY - REDIRECT - FRANCIS

MR. MASSENA: I am objecting. This is leading.

THE HEARING OFFICER: Sustained.

Q. After you have a disciplinary conference with the Respondent, what is expected of the Respondent to do?

A. So, after reviewing both the attendance sheet that was brought to my attention during direct, on cross I noticed that the UFT Chapter Leader returned to his common planning time, but Dr. Severin did not return to his common planning time after each of the hearings. And they usually last no more than sometimes it's just a question. Did you do this? The response is yes or no and it's over. That's it.

Q. And then what is expected of the Respondent after the disciplinary conference?

A. To return back to his common planning time, Room 101, with his team.

Q. And did he do that?

A. He did not.

Q. Now, you indicated that you know of a teacher, Fequiere, am I pronouncing that correctly?

A. Fequiere.

Q. Fequiere, and you were asked whether or not

1 DORCELY - REDIRECT - FRANCIS  
 2 Peguere was disciplined on that particular day,  
 3 correct?  
 4 A. That is correct.  
 5 Q. And you indicated no, correct?  
 6 A. No.  
 7 Q. And was that teacher absent that day?  
 8 A. That is correct, she was absent.  
 9 Q. And that's why she wasn't disciplined,  
 10 correct?  
 11 A. That is correct.  
 12 Q. And what is M-O-S-L?  
 13 A. That's the MOSL, Measure of Student  
 14 Learning.  
 15 Q. And that's for the common assessment of  
 16 student grading. Is that correct?  
 17 A. Yeah, that's the baseline assessment that  
 18 we administer throughout the New York City Department  
 19 of Education.  
 20 Q. Now with respect to Specification number  
 21 six, which indicates that on or about November 12th,  
 22 2015, Respondent left the school building during a  
 23 school day without signing the teacher log in the  
 24 school's main office, is that correct?  
 25 A. That is correct.

1 DORCELY - REDIRECT - FRANCIS  
 2 was explored in some detail on cross I am going  
 3 to overrule the objection and permit the  
 4 question.  
 5 Q. Okay. So, the question is what was the  
 6 procedure with respect to a--the Respondent leaving  
 7 the main office without signing the log?  
 8 A. The procedure is any teacher who is  
 9 leaving, whether it's during a prep or any time  
 10 during work hours, must sign the main log so we are  
 11 aware at all times where that teacher, in this case,  
 12 is stepping out of the building. In this particular  
 13 case, Dr. Severin did not sign the log to which I use  
 14 to then have a disciplinary meeting as a result of  
 15 that.  
 16 Q. Now, with respect to when the Respondent  
 17 failed to report to the school, was his class covered  
 18 immediately?  
 19 A. When that happens, yes, we go through  
 20 emergency mode. We try to--it's a dance, because we  
 21 have to call any teacher who is available. If  
 22 they're not available, we try to do what's called in  
 23 house. And if a teacher is covering in house, we  
 24 have to pay them, so it's a challenge, but we are  
 25 able to make it happen whenever a teacher is not

1 DORCELY - REDIRECT - FRANCIS  
 2 Q. And what is the procedure that he was  
 3 supposed to follow on that date?  
 4 A. Well--  
 5 [Crosstalk]  
 6 MR. MASSENA: [Interposing] Objection  
 7 asked and answered, Your Honor.  
 8 THE HEARING OFFICER: Well, I don't  
 9 have the transcript in front of me. I'm  
 10 curious, Mr. Francis, as to what your response  
 11 is. Is this a matter that you went over with on  
 12 your direct examination of this witness?  
 13 MR. MASSENA: It was brought up on  
 14 cross examination. The question was posed as to  
 15 whether or not he left the building, an at  
 16 length discussion in cross examination,  
 17 regarding whether he left the building. I'm  
 18 just trying to clarify--  
 19 [Crosstalk]  
 20 THE HEARING OFFICER: [Interposing]  
 21 You know, I am going to overrule the objection  
 22 and permit the question; but, Mr. Francis, it is  
 23 certainly the better practice to ask this  
 24 witness what the procedure was on your direct  
 25 examination. Under the circumstances, where it

1 DORCELY - REDIRECT - FRANCIS  
 2 present and does not notify the school. We have to  
 3 go scrambling.  
 4 Q. And on or about June 15th, 2015, for  
 5 marking period three and four, were there any other  
 6 teachers that failed to provide their E-G-G?  
 7 A. For that one, that's a very important,  
 8 because that's the last marking period, because we  
 9 have to make graduation decisions. In that  
 10 particular instance, there were no teachers late. In  
 11 this particular case, because I remember that very  
 12 clearly, it was about four hours before I heard from  
 13 Dr. Severin in submitting his grades. And we didn't  
 14 get those grades until the next day, where then he  
 15 sent an email and said he was going to be absent that  
 16 Monday and Tuesday. So, it really caused us severe  
 17 pain that he did not submit his grades on time.  
 18 MR. FRANCIS: I have nothing further.  
 19 THE HEARING OFFICER: Any additional  
 20 questions from Respondent?  
 21 MR. MASSENA: No re-cross, Your--well,  
 22 actually just one moment, Your Honor.  
 23 THE HEARING OFFICER: Mm hmm.  
 24 MR. MASSENA: Okay, no, no--  
 25 THE HEARING OFFICER: [Interposing].



DORCELY - REDIRECT - FRANCIS

All right, I have no questions of you, Principal. That means you're excused. Thank you very much for your participation. Let us now go off the record before we proceed with the Superintendent.

MR. FRANCIS: Okay.

[OFF THE RECORD, Dismiss witness 11:45 a.m.]

[ON THE RECORD, Dismiss witness 11:49 a.m.]

THE HEARING OFFICER: Mr. Francis, does the Department have any additional witnesses?

MR. FRANCIS: No. The Department rests at this time.

THE HEARING OFFICER: Thank you. And is the Respondent ready to proceed with his case?

MR. MASSENA: Yes.

THE HEARING OFFICER: Okay. And is the Respondent intending to make an opening statement?

MR. MASSENA: Briefly.

THE HEARING OFFICER: Would you like

JEAN RICHARD SEVERIN - 07/12/16

the Principal. I believe all the evidence, once the Arbitrator has had an opportunity to view all of the evidence, the evidence provided not only by the DOE but the evidence provided--the testimony that the Arbitrator will hear from Superintendent Michael Prayor, union rep Mark Satchel [phonetic], and finally Dr. Severin, that a history of retaliation developed after--after Principal Dorcelly attempted to have Dr. Severin corroborate, or have Dr. Severin participate in a cheating incident involving Student "A". Dr. Severin recoiled from that proposal and thus began the retaliation and the singling out of Dr. Severin. And the singling out of Dr. Severin only intensified after Dr. Severin made these allegations of cheating, or attempted cheating, by Dr. Severin known to investigatory agencies of the city. The evidence will support that. All of the Specifications should be viewed through that prism. And once those Specification--once these Specifications are viewed through this prism of retaliatory actions by the Principal, this Court or tribunal will come back with a decision

JEAN RICHARD SEVERIN - 07/12/16

to do that now, or would you like to take a short break?

MR. MASSENA: We'll need a short break, yeah.

THE HEARING OFFICER: All right, so let's take a short break. We'll come back for a brief opening and the Respondent's first witness.

MR. MASSENA: Okay.

THE HEARING OFFICER: Thank you.

[OFF THE RECORD, Break 11:50 a.m.]

[ON THE RECORD, Break 1:00 p.m.]

THE HEARING OFFICER: Okay. Okay, so we're back on the record. At this point, is the Respondent ready to proceed with an opening statement?

MR. MASSENA: Yes, Your Honor. On behalf of Dr. Severin, we would like to present to Your Honor that this entire case, brought by the Department of Education, should be seen through the prism of a motivated Principal who had one singular goal, and that goal is to get Dr. Severin out of the school to protect his reputation, meaning protecting the reputation of

JEAN RICHARD SEVERIN - 07/12/16

dismissing all of the Specifications, because the--because of the motivated nature of the Specifications and the allegations being brought by the Principal.

THE HEARING OFFICER: All right, thank you. Is the Respondent ready to proceed with his first witness?

MR. MASSENA: Yes.

THE HEARING OFFICER: All right, let's go off the record and let's bring him in.

[OFF THE RECORD, Bring in witness 1:04 p.m.]

[ON THE RECORD, Bring in witness 1:05 p.m.]

THE HEARING OFFICER: All right, Mr. Massena, I see that Respondent has his first witness, if you could kindly introduce him to us.

MR. MASSENA: Yes. The Respondent calls Superintendent Michael Prayor.

THE HEARING OFFICER: Can you spell your last name for us, sir?

MR. MICHAEL PRAYOR: P as in Peter, R-A-Y-O-R.

1 JEAN RICHARD SEVERIN - 07/12/16

2 THE HEARING OFFICER: All right. I am  
3 the Hearing Officer. I am going to swear you  
4 in, if you'll kindly raise your right hand. Do  
5 you swear to tell the truth, the whole truth,  
6 and nothing but the truth?

7 MR. PRAYOR: Yes, I do.

8 MR. FRANCIS: At this time, the  
9 Department wishes to--an offer of proof as to  
10 the Superintendent's testimony.

11 THE HEARING OFFICER: Mr. Massena, do  
12 you want to make a brief proffer?

13 MR. MASSENA: Sure. Do you want to do  
14 it in front of him or--

15 [Crosstalk]

16 THE HEARING OFFICER: [Interposing]  
17 Superintendent, why don't you just wait outside  
18 if you would? Don't go far, just right outside  
19 the door.

20 MR. PRAYOR: Okay.

21 THE HEARING OFFICER: Thank you so  
22 much.

23 MR. MASSENA: As we--are we okay?  
24 Okay. As was said during direct and also was  
25 noted throughout the proceedings, our defense,

1 JEAN RICHARD SEVERIN - 07/12/16

2 especially since the direct that, at least that  
3 I plan to elicit, do not plan to elicit the  
4 results of the findings.

5 THE HEARING OFFICER: Yeah, I don't  
6 even need to hear the finding.

7 MR. MASSENA: Yeah.

8 THE HEARING OFFICER: If that's the  
9 basis for the objection to this witness  
10 testifying, I am going to overrule the  
11 objection. I'd like to hear this witness'  
12 testimony. If at any time, in response to any  
13 question, the Board decides to make another  
14 objection, I certainly will hear it at that  
15 time. So, let's bring in the witness.

16 MR. FRANCIS: And note my objection.

17 THE HEARING OFFICER: So noted.  
18 Welcome back, Superintendent.

19 MR. PRAYOR: Thank you.

20 THE HEARING OFFICER: Did you want to  
21 be heard further, Mr. Francis?

22 MR. FRANCIS: Yes, with respect to the  
23 special complaint. I still believe that it is  
24 relevant and the decision that was made is  
25 relevant to these proceedings, because the

1 JEAN RICHARD SEVERIN - 07/12/16

2 or part of our defense, is that the actions, or  
3 the Specifications and the allegations by the  
4 Principal were motivated by Dr. Severin  
5 reporting the Principal attempted--attempt at  
6 cheating. The Superintendent was made aware of  
7 this. He can speak to notice that Dr. Severin  
8 put him on notice. He can also speak to--so, he  
9 can corroborate part of our case in terms of  
10 the--Dr. Severin's state of mind and, well,  
11 withdrawn, Dr. Severin's--he can corroborate, in  
12 essence, that these actions were retaliatory and  
13 more so, he was present during the cooling off  
14 period as well. He was at that meeting as well.

15 THE HEARING OFFICER: Mr. Francis,  
16 would you like to be heard?

17 MR. FRANCIS: Yes. The Superintendent  
18 may or may not be aware of the fact that this--  
19 the allegations made by the Respondent were  
20 unsubstantiated by not one, but two separate  
21 bodies. There is a OLR Number 160340, which is  
22 also involved the UFT, okay, and both the UFT,  
23 as well as OLR, found and made a decision that--

24 MR. MASSENA: [Interposing] I would  
25 object to the findings being put on the record,

1 JEAN RICHARD SEVERIN - 07/12/16

2 allegations by the Respondent have been  
3 investigated and found to be--

4 [Crosstalk]

5 MR. MASSENA: [Interposing] Objection,  
6 Your Honor--

7 [Crosstalk]

8 THE HEARING OFFICER: [Interposing]  
9 Understood. I understand the nature of the  
10 objection, and I understand the nature of the  
11 argument. Let's proceed--

12 MR. FRANCIS: [Interposing] Okay.

13 THE HEARING OFFICER: --with the  
14 testimony. I have sworn in the witness. Thank  
15 you.

16 MR. MASSENA: Thank you.

17 DIRECT EXAMINATION

18 BY MR. MASSENA

19 Q. Mr. Prayor, Mr. Prayor, I would just ask  
20 you to keep your voice up so that you can--everything  
21 you say can be captured on the recording device which  
22 is right here.

23 A. Okay.

24 Q. Okay, thank you. Mr. Prayor, could you  
25 tell the Arbitrator what your position is?

PRAYOR - DIRECT - MASSENA

A. I'm a High School Superintendent for School Districts 15, 17, 18, 20, 21, and 22.

Q. Okay.

THE HEARING OFFICER: Could you do that one time? Fifteen, seventeen--

MR. PRAYOR: [Interposing] Eighteen, twenty, twenty one, and twenty two.

THE HEARING OFFICER: Thank you.

MR. MASSENA: Okay.

Q. And what do your responsibilities entail as a Superintendent for these various Districts?

A. Supervisory and support of Principals and school communities.

Q. Okay. And does your--does your role as a Superintendent for these Districts also include being a Superintendent as it relates to Urban Action Academy?

A. Yes, it does.

Q. Okay. Are you familiar with Principal Dorcelly?

A. Yes, I am.

Q. Okay. How are you familiar with Principal Dorcelly?

A. He's one of my Principals within District

PRAYOR - DIRECT - MASSENA

to try to get to a mutual understanding of professionalism that can ultimately be given to all parties to have a reprieve of their professional responsibilities and some conflicts between them.

Q. How long have you been a Superintendent, Mr. Prayor?

A. Three years.

Q. And I'd like to direct your attention...

MR. MASSENA: Well, actually I'd like this document marked for identification as Respondent's 1.

THE HEARING OFFICER: We already have a Respondent's 1--

[Crosstalk]

THE HEARING OFFICER: I believe we're up to Respondent's 7.

MR. MASSENA: Oh, sorry about that, Respondent's 7.

THE HEARING OFFICER: Okay. So, we'll mark this for identification as Respondent's Exhibit 7.

MR. MASSENA: Okay.

Q. Okay. I am going to show you what has been marked as Respondent's 7 for identification. Do you

PRAYOR - DIRECT - MASSENA

18.

Q. Okay. Are you familiar with an individual by the name of Assistant Principal Barnett?

A. Yes.

Q. Okay. And how are you familiar with Assistant Principal Barnett?

A. She is the Assistant Principal for Principal Dorcelly.

Q. Okay. And do you know an individual by the name of Dr. Severin?

A. Yes.

Q. Okay. And how do you know Dr. Severin?

A. He is a teacher within Urban Action Academy supervised by Principal Dorcelly.

Q. Okay. And is it fair to say that you've had communications with all of these parties within the last two years?

A. Yes.

Q. Okay. And you could describe the nature of these conversations?

A. The nature of the conversation is, I guess, one to be informed of certain issues that took place at the school between Principal Dorcelly and teacher Dr. Severin, and also to bring all parties together

PRAYOR - DIRECT - MASSENA

recognize it?

A. Yes.

Q. Okay. And what do you recognize it to be?

A. An email from Dr. Severin to me, informing me of a case that he submitted to the Special Commission of Investigations.

Q. Okay. And is that email a fair and accurate representation of the email that you received from Dr. Severin?

A. Yes.

Q. Okay.

MR. MASSENA: I'd like to move it into evidence as Respondent's Number 8.

THE HEARING OFFICER: Seven.

MR. FRANCIS: Objection.

MR. MASSENA: Seven, seven, I apologize, seven.

MR. FRANCIS: Objection Voir Dire.

THE HEARING OFFICER: Okay, please.

VOIR DIRE

BY MR. MICHAEL FRANCIS

Q. Were you made aware of the--were you made aware that the allegation by the Respondent in this case were unsubstantiated?

PRAYOR - VOIR DIRE - FRANCIS

MR. MASSENA: Objection, improper--  
[Crosstalk]

THE HEARING OFFICER: [Interposing]

Sustained, sustained. We're just going--we're really just addressing issues as to the authenticity of the document for purposes of admissibility.

Q. Looking at Respondent's 7 for identification, was this an email that you received over your computer?

A. Yes.

THE HEARING OFFICER: I'm sorry, you have to speak louder.

Q. Was this an email that you received over your computer?

A. Yes.

MR. FRANCIS: I have nothing further.

MR. MASSENA: And I'd like this moved into evidence as Respondent's Number 7.

THE HEARING OFFICER: Any objection?

MR. FRANCIS: Note my objection, yes.

THE HEARING OFFICER: Okay.

Respondent's--overruled. Respondent's 7 is in evidence.

PRAYOR - DIRECT - MASSENA

attention to...

MR. MASSENA: Or actually, I'd like this document marked for identification as Respondent's 8.

THE HEARING OFFICER: Okay. So, I'll mark this as Respondent's 8 for identification.

[Background conversation]

Q. I'd like to show you what has been marked for Respondent's 8 as identification. Do you recognize it? When you have an opportunity, if you could just let the Court know if you recognize it.

A. Yes, I do.

Q. Okay. And what do you recognize it to be?

A. An email, again, from Dr. Severin to myself.

Q. Okay. And this email was addressed to you, correct?

A. Yes.

Q. Okay. And is it a fair and accurate copy of the email that was sent to you by Dr. Severin?

A. Yes.

Q. Okay.

MR. MASSENA: At this time, I'd like this document moved into evidence as

PRAYOR - VOIR DIRE - FRANCIS

[Whereupon Respondent's Exhibit 7 is admitted into evidence]

MR. MASSENA: Okay.

DIRECT EXAMINATION (CONT.)

BY MR. MASSENA

Q. Upon receiving what is has been marked into evidence as--what has been moved into evidence as Respondent's Number 7, what, if any, action did you take?

A. None.

Q. Okay. Was this the first time that you were made aware of the allegations that Dr. Severin had filed against the Principal?

A. I can't recall.

Q. Okay. And you said you took no action, correct?

A. Correct.

Q. Okay. Were you aware of any issues between Principal Dorcelly and Dr. Severin prior to May of 2015?

A. I believe so.

Q. Okay. And...

A. Yes.

Q. Okay, okay. Now, I'd like to draw your

PRAYOR - DIRECT - MASSENA

Respondent's 8.

MR. FRANCIS: Objection. May I have Voir Dire?

THE HEARING OFFICER: Sure.

VOIR DIRE

BY MR. MICHAEL FRANCIS

Q. Now, this letter that you indicated you received from the Respondent. Is that correct?

A. Yes.

Q. Now, you also note that you--that the letter contains some accusations. Is that correct?

A. Yes.

Q. And are you aware that these accusations were not founded. Is that correct?

A. Correct.

MR. MASSENA: Objection.

THE HEARING OFFICER: The same ruling, sustained. Any other objections to the authenticity of the document or otherwise, Mr. Francis?

MR. FRANCIS: No, but I do object to it being moved in.

THE HEARING OFFICER: All right. I am going to overrule the objection and admit

PRAYOR - VOIR DIRE - FRANCIS

Respondent's 8 into evidence.

[Whereupon Respondent's Exhibit 8 is admitted into evidence]

MR. MASSENA: Okay.

DIRECT EXAMINATION (CONT.)

BY MR. MASSENA

Q. And so you recall receiving Respondent's 8, correct?

A. Yes.

Q. Okay. Did you take any action upon receiving Respondent's 8 in evidence?

A. No.

Q. Okay. Is it fair to--

A. [Interposing] No.

Q. Okay. Is it fair to describe Respondent's 8 as a call for help by Dr. Severin?

MR. FRANCIS: Note my objection.

THE HEARING OFFICER: I'll sustain the objection.

Q. Okay moving on and I'd like to show you what...

MR. MASSENA: I'd like this document marked for identification as Respondent's 9. I'm handing a copy to the Arbitrator and also a

PRAYOR - DIRECT - MASSENA

Q. Did you receive this email?

A. Yes.

Q. Okay. And was the email--is it fair and accurate copy of the email that you received?

A. Yes.

Q. Okay.

MR. MASSENA: I ask that this be moved into evidence as Respondent's 9.

THE HEARING OFFICER: I note that the Superintendent is copied on this email. I am going to admit Respondent's 9 into evidence over the--

MR. FRANCIS: [Interposing] Over my objection.

THE HEARING OFFICER: --over the Department's objection.

[Whereupon Respondent's Exhibit 9 is admitted into evidence]

Q. Over the course of the academic years of 2014 to 2015 and 2015 to 2016, you received several emails from Dr. Severin. Is that correct?

A. Yes.

Q. Okay. How would you best classify, or describe those emails as a whole?

PRAYOR - DIRECT - MASSENA

copy to DOE, which they have a copy of it.

THE HEARING OFFICER: So, I am marking this as Respondent's 9 for identification.

MR. MASSENA: Okay.

Q. Do you recognize this document that's been handed to you for identification as Respondent's 9?

A. Yes.

Q. Okay. What do you recognize it to be?

A. An email, again, from Dr. Severin, and that email was sent to a Michael Romano [phonetic], but I was cc'd on the email.

Q. Okay. And is this a fair and accurate copy of the email that was cc'd to you by Dr. Severin?

A. Yes.

Q. Okay.

MR. MASSENA: At this time, I'd like what has been marked for identification as Respondent's 9 moved into evidence as Respondent's 9.

MR. FRANCIS: Objection. This witness can't authenticate an email sent to a Michael Romano.

MR. MASSENA: He can authenticate whether or not he received the email.

PRAYOR - DIRECT - MASSENA

MR. FRANCIS: Note my objection.

THE HEARING OFFICER: I'm not sure I understand the question, counsel.

MR. MASSENA: I am asking him, Your Honor, to describe to the Court how would he describe the--as a whole, how would he describe the emails? I am not putting any words into his mouth. I'm--

THE HEARING OFFICER: [Interposing] Do you understand the question?

MR. PRAYOR: Maybe. I'm assuming--

THE HEARING OFFICER: [Interposing] Well, I don't want you to guess.

MR. PRAYOR: Oh, okay.

THE HEARING OFFICER: So, the question is do you understand the question posed by counsel?

MR. PRAYOR: I would say yes then.

THE HEARING OFFICER: All right.

Well, why don't you then offer an answer?

MR. FRANCIS: He said yes and then he said I'm assuming.

[Crosstalk]

THE HEARING OFFICER: Yeah, no, I need

PRAYOR - DIRECT - MASSENA

a yes or no, because if you don't, I am going to--

MR. PRAYOR: [Interposing] Sure, sure. [Crosstalk]

THE HEARING OFFICER: Only one of us can talk at a time. If you don't understand the question, I am simply going to ask counsel to rephrase the question subject to the Department's--any additional objections raised by the Department.

MR. PRAYOR: All right. So, I would say no.

MR. MASSENA: Okay.

THE HEARING OFFICER: Okay. So, why don't you rephrase?

MR. MASSENA: Sure.

Q. During the course of 2014 and 2015, you received several emails--and the academic year of 2015 and 2016, you received several emails from Dr. Severin. Is that correct?

A. Yes.

Q. Okay. And how would you best describe the nature of those emails as a whole?

MR. FRANCIS: Objection.

PRAYOR - DIRECT - MASSENA

did provide assistance?

MR. FRANCIS: Note my objection that the witness is reading from Respondent's 9 prior to--

[Crosstalk]

MR. MASSENA: [Interposing] With the Court's permission, I'll take Respondent's 9 away from the witness.

THE HEARING OFFICER: Okay.

MR. MASSENA: Okay.

[Background conversation]

THE HEARING OFFICER: No, I have Respondent's 9. So, you can now answer.

Q. I can repeat the question with the Court's permission. Did there come a time that you did provide assistance?

A. Yes.

Q. Okay. Can you describe the nature of your assistance?

A. With the support of the UFT District rep, James Duncan, we brought both teacher and Principal together to have a cool down period of interaction between those two, because there was a lot of tension. And the cool off period was to give both

PRAYOR - DIRECT - MASSENA

THE HEARING OFFICER: And what's the nature of the objection?

MR. FRANCIS: The objection is that the witness indicated that he did not understand the question, and that he is assuming--he's making an assumption as to what his answer is. He's not--

[Crosstalk]

THE HEARING OFFICER: [Interposing] All right, but counsel has just rephrased the question, and so let's see if the witness understands it now. If not, we'll go back to the well and we'll formulate another question.

[Crosstalk]

THE HEARING OFFICER: Yeah. So, Principal--Superintendent, do you have an answer?

MR. PRAYOR: Yes, I understand the question.

Q. How would you describe them?

A. I would describe the emails from Dr. Severin to me to either inform me or to ask for assistance.

Q. Okay. And did there come a time that you

PRAYOR - DIRECT - MASSENA

parties an opportunity to collect themselves and act professionally, so that in the interim of that cool down period, that Dr. Severin would find employment elsewhere if that was possible.

Q. Okay. Now, who ordered the cool down period?

A. Myself and UFT District Chapter Leader-- District Leader James Duncan.

Q. Okay.

MR. FRANCIS: And note my objection as to the characterization of a cool off period. There's no use in Department of Education language, a cool off period.

THE HEARING OFFICER: Well, you can cross examine that. I think I have a general understanding of the term, but again, you can feel free to cross on that.

Q. And could you describe the terms of this cool off period?

A. That during this time, no interaction basically would be between the Principal and Dr. Severin, the teacher.

Q. Okay. And did there come a time that this cooling off period ended? And did this cooling off

1 PRAYOR - DIRECT - MASSENA  
 2 period come to an end at some time?  
 3 A. Yes.  
 4 Q. Okay. And how did--how did it come to an  
 5 end?  
 6 A. How did it come to an end?  
 7 Q. Yeah, or withdrawn. Did Principal Dorcelly  
 8 terminate the cool down period?  
 9 A. Yes.  
 10 Q. Okay. And was that cool down period  
 11 terminated earlier than what you had prescribed?  
 12 MR. FRANCIS: And note my objection to  
 13 these leading questions.  
 14 THE HEARING OFFICER: Yeah, it's not  
 15 clear in the record that the witness prescribed  
 16 any termination date for the cool down period.  
 17 So, I'm sustaining the objection.  
 18 MR. MASSENA: Okay.  
 19 Q. Was there a termination date for the cool  
 20 down period?  
 21 A. I know if there was a date, but there was a  
 22 timeframe in terms of the months.  
 23 Q. Oh, what was that timeframe?  
 24 A. I believe the end of the first semester,  
 25 which would have been January 31st or January 30th.

1 PRAYOR - DIRECT - MASSENA  
 2 think it can only benefit the process and  
 3 properly develop the record, but you are--  
 4 [Crosstalk]  
 5 MR. FRANCIS: [Interposing] It's in  
 6 evidence.  
 7 THE HEARING OFFICER: But you are  
 8 technically correct. You know, the witness has  
 9 not expressed any lack of memory or uncertainty.  
 10 He testified January 30th, 2015. If for any  
 11 reason, counsel, you have reason to believe it's  
 12 some other date, I will allow you to ask this  
 13 witness.  
 14 MR. MASSENA: Okay.  
 15 Q. Do you--  
 16 THE HEARING OFFICER: [Interposing]  
 17 Pursue this.  
 18 MR. MASSENA: Yes, thank you, Your  
 19 Honor.  
 20 Q. Do you--do you believe it could have been  
 21 any other date, other than January 30th of 2015?  
 22 A. Yes.  
 23 Q. And what might that date have been?  
 24 A. January 30th, 2016.  
 25 Q. Okay. So, the cooling off period, to your

1 PRAYOR - DIRECT - MASSENA  
 2 That would have been the end of the first semester.  
 3 THE HEARING OFFICER: Of what year,  
 4 please?  
 5 MR. PRAYOR: Two thousand and fifteen,  
 6 sixteen, I'm sorry--  
 7 THE HEARING OFFICER: [Interposing]  
 8 Take your time.  
 9 MR. PRAYOR: It would have been 2015.  
 10 THE HEARING OFFICER: Thank you.  
 11 Q. Are you certain it was 2000, actually  
 12 withdrawn. I'd like to draw your attention, once  
 13 again, to Respondent's 9 in evidence. And I'd just  
 14 like you to take a brief look at that.  
 15 MR. FRANCIS: Your Honor, that's  
 16 improper.  
 17 THE HEARING OFFICER: Well, there's an  
 18 objection.  
 19 MR. FRANCIS: Yes, objection. It's  
 20 improper. The witness is now reading from  
 21 Respondent's 9 in order to facilitate an answer  
 22 to his prior question.  
 23 THE HEARING OFFICER: I think you're  
 24 entirely correct, Mr. Francis. However, I do,  
 25 for the record, want to get the precise date. I

1 PRAYOR - DIRECT - MASSENA  
 2 knowledge, was terminated prior to January 30th,  
 3 2016. Is that correct?  
 4 A. Yes.  
 5 Q. And it was terminated, withdrawn. And who  
 6 was it terminated by? Or who terminated the cooling  
 7 off period?  
 8 A. Principal Dorcelly.  
 9 Q. Okay. You stated that you have been a  
 10 Principal for over, withdrawn. You have been a  
 11 Superintendent for three years, correct?  
 12 A. Yes, yes.  
 13 Q. And you've had an opportunity--during those  
 14 three years, you've had an opportunity to observe the  
 15 relationship between various Principals and various  
 16 teachers. Is that correct?  
 17 A. Yes.  
 18 MR. FRANCIS: Note my objection to  
 19 relevancy.  
 20 THE HEARING OFFICER: We don't have a  
 21 question yet, but I'll reserve your objection.  
 22 Let's get the question first and then you can  
 23 make your objection.  
 24 Q. And in this particular case, you had an  
 25 opportunity to receive multiple emails from Principal

PRAYOR - DIRECT - MASSENA

Dorcely and also from Dr. Severin. Is that correct?

A. Yes.

Q. Well, based on your three years of experience as a Superintendent, did you find the amount of communication to be unusual?

MR. FRANCIS: Note my objection.

THE HEARING OFFICER: And the communication from whom to whom?

MR. MASSENA: From--the communication between the two parties.

THE HEARING OFFICER: I still don't understand, forgive me, between, are you saying between the Respondent and the Principal, or between the Respondent and the Superintendent? I'm not clear.

MR. MASSENA: Between the, withdrawn. I'll withdraw that question.

THE HEARING OFFICER: Sure.

Q. Based on your experience as a Superintendent for the last three years, did you find anything unusual about the relationship between Principal Dorcely and Dr. Severin?

A. Can I ask a question?

THE HEARING OFFICER: I'm sorry?

PRAYOR - DIRECT - MASSENA

[START 549900Master2.MP3]

[ON THE RECORD, Break and prepare for cross 2:29 p.m.]

THE HEARING OFFICER: We're all set.

Let's go back on the record. Mr. Francis, are you ready to proceed with cross examination?

MR. FRANCIS: The Department is.

CROSS EXAMINATION

BY MR. FRANCIS

Q. Good afternoon, Superintendent. My name is Michael Francis and I represent the Department of Education in this 3020-a proceeding against Respondent, Jean Severin. And you indicated that you were familiar with Respondent's 7 in evidence, which was an email to you. Is that correct?

A. Yes.

Q. And that email contains a--further contains a correspondence between Gerard Ralph [phonetic] and to Richard Severin, correct?

A. Yes.

Q. And that's Respondent's 7, correct?

A. Yes.

Q. And that's informing Severin that the information you reported has been reviewed by the

PRAYOR - DIRECT - MASSENA

MR. PRAYOR: I mean I just want to get more clarity.

MR. MASSENA: Sure, withdrawn.

Q. Was this the first, withdrawn, was this the first time that you had to order a cooling off period between a Principal and a teacher?

MR. FRANCIS: Note my objection--  
[Crosstalk]

THE HEARING OFFICER: [Interposing]  
Overruled.

A. Yes.

Q. Okay.

MR. MASSENA: No further questions, Your Honor.

THE HEARING OFFICER: All right. There were some previous discussions in terms of timing and scheduling. We are going to take our break now. During this break, we're going to allow the Department its allotted time to prepare for cross examination. Let's now go off the record.

[OFF THE RECORD, Break and prepare for cross 1:30 p.m.]

[END 549900Master1.MP3]

PRAYOR - CROSS - FRANCIS

Office of the Special Commissioner, SCI, and then the decision has been made to refer the matter to the Chancellor's Office of Special Investigations, OSI, for appropriate action. Are you aware of that?

A. Yes.

Q. And you're also asked to--you can contact OSI at 718-935-3800, or OSI inquiries at schools dot New York City dot gov for further information, correct?

A. Yes.

Q. And did you contact OSI?

A. No.

Q. Okay. Now, are you aware, further, that the allegations that were reported to OSI were unsubstantiated?

MR. MASSENA: Objection.

THE HEARING OFFICER: Overruled.

MR. MASSENA: If I may be heard?

THE HEARING OFFICER: Sure.

MR. MASSENA: Your Honor, I believe we've kind of went over bridge, in terms of the actual findings of OSI not being relevant towards this--

[Crosstalk]



PRAYOR - CROSS - FRANCIS

THE HEARING OFFICER: [Interposing]  
No, it's not a question of relevance. It's a question as to the admissibility of certain testimony earlier. I ruled that the findings did not bear on the admissibility of the testimony. Now, if the Department wants to make any kind of argument with regard to the complaint and the findings being unsubstantiated, if in fact they were unsubstantiated, I am going to permit the Department to make that argument.

MR. MASSENA: Okay.

THE HEARING OFFICER: Overruled.

MR. FRANCIS: Thank you.

Q. And you are aware of the allegations by the Respondent, because it's documented in Respondent's 7, 8, and 9, correct?

A. Yes.

Q. Now, you indicated that there was a, quote unquote, period of time where the Principal, Principal Dorcey, was not to be--was not to be the direct supervisor of the Respondent, correct?

A. Yes.

Q. And who was designated to supervise the

PRAYOR - CROSS - FRANCIS

A. Wait, I'm sorry, can you--

Q. [Interposing] Have you ever received notification from any external organization that there were charges pending, or being investigated, against the Principal?

A. No.

Q. Okay. Have you been--ever received any notification or any--from any internal division that there is an investigation or pending charges against the Principal?

A. Not that I recall.

Q. Well, it's either whether--it's either there were--

MR. MASSENA: [Interposing] Objection, Your Honor.

Q. --or there wasn't.

THE HEARING OFFICER: I think he said no in the negative.

MR. MASSENA: Well, his answer was he doesn't recall and it's--

[Crosstalk]

THE HEARING OFFICER: [Interposing]  
No, I think his answer wasn't that he didn't recall. He said no. Well, I'll let the

PRAYOR - CROSS - FRANCIS

Respondent during this period of time?

A. Can you repeat the question?

Q. Who was designated to be the Respondent's supervisor, direct supervisor, during this period of time where you indicated that there should be no interaction between Principal Dorcey and Respondent Severin?

A. His Assistant Principal, AP Barnett.

THE HEARING OFFICER: Just keep your voice up, please.

MR. PRAYOR: His Assistant Principal, AP Barnett.

Q. That's Jordan Barnett, correct?

A. Yes.

Q. Okay. And you are--you are the Principal's direct supervisor, correct?

A. Yes.

Q. Now, if there were allegations made against the Principal, you would be aware of that, right?

A. Yes.

Q. Now, have you ever received any notification from any external organization that there are--that there were pending investigations against the Principal?

PRAYOR - CROSS - FRANCIS

Principal--

[Laughter]

A. I will say no. The answer is no.

THE HEARING OFFICER: Yeah, that's what I heard.

Q. Now, have you ever had to discipline Principal Dorcey in regard to any allegations made by the Respondent?

A. No.

MR. FRANCIS: I have nothing further.

MR. MASSENA: Okay.

REDIRECT EXAMINATION

BY MR. MASSENA

Q. Wouldn't you consider...

MR. MASSENA: Oh, may I proceed--

THE HEARING OFFICER: [Interposing]  
Please.

MR. MASSENA: --with cross, thank you.

THE HEARING OFFICER: Please.

Q. Wouldn't you--or redirect. Wouldn't you consider a cooling off period a type of discipline?

MR. FRANCIS: Note my objection.

THE HEARING OFFICER: Are you objecting?

PRAYOR - REDIRECT - MASSENA

MR. FRANCIS: Yes.

[Laughter]

THE HEARING OFFICER: And the nature of the objection?

MR. FRANCIS: It's a leading question.

THE HEARING OFFICER: I am going to sustain the objection and ask you to rephrase.

MR. MASSENA: Sure.

Q. Do you normally discipline--do you normally institute cooling off periods for your Principals?

MR. FRANCIS: Objection, irrelevant. He talked about disciplining and then he used do you normally. That--

THE HEARING OFFICER: [Interposing] Okay.

MR. FRANCIS: --it's vague.

MR. MASSENA: Okay.

THE HEARING OFFICER: Well, why don't we rephrase the question again? I'm sustaining the objection.

MR. MASSENA: Actually, I'll move on to another area.

Q. You had stated that Principal Dorcely is--you're the direct supervisor of Principal Dorcely.

PRAYOR - REDIRECT - MASSENA

Q. Can you describe some of those allegations?

MR. FRANCIS: Objection.

THE HEARING OFFICER: Okay, and what's the basis for the objection?

MR. FRANCIS: Relevance to this proceeding.

THE HEARING OFFICER: Okay, counsel.

MR. MASSENA: I believe counsel opened the door.

THE HEARING OFFICER: Let's have the witness step outside. Superintendent, don't go far while we resolve this. Thank you.

MR. MASSENA: I believe counsel opened the door as to whether or not the Superintendent was aware of any allegations. I believe counsel is trying to intimate that the Principal has clean hands via the SCI complaint and--

[Crosstalk]

THE HEARING OFFICER: [Interposing] All right. So, the Superintendent has just now testified that he is aware of complaints made by teachers. So, where are we going with this?

MR. MASSENA: I want to hear what these complaints are, since--

PRAYOR - REDIRECT - MASSENA

Is that correct?

A. Yes.

Q. And during cross, counsel indicated to you if you were aware of any allegations pending against the Principal. Is that correct?

A. Yes.

Q. Okay and what was your answer again?

A. I said no.

Q. No. Were you--are you aware of any allegations made by teachers pending against the Principal?

MR. FRANCIS: Objection, beyond the scope of--

THE HEARING OFFICER: [Interposing] Overruled.

Q. Are you aware?

A. Can you repeat the question?

Q. Are you aware of any allegations made a Principal--by teachers regarding the Principal?

MR. FRANCIS: Again, note my objection.

THE HEARING OFFICER: So noted, overruled.

A. Yes.

PRAYOR - REDIRECT - MASSENA

[Crosstalk]

THE HEARING OFFICER: [Interposing]

And how are other complaints against the Principal relevant to this particular proceeding?

MR. MASSENA: Well, what I believe the Superintendent is going to answer is that he is aware of allegations of the Principal being part and parcel, or assisting in teaching, and there are other teachers that made this complaint. And again, that is the crux of where the retaliation has begun against my client, so I think it corroborates, or not corroborates, it lends credibility to my client's position.

THE HEARING OFFICER: Mr. Francis, what sayeth the Department?

MR. FRANCIS: The Department, again, reiterates that the--any other reporting or reports about the Principal is irrelevant to this 3020-a proceeding.

MR. MASSENA: And again, my position is that the Department opened the door when they started to talk about other allegations.

MR. FRANCIS: No, no, no. The

PRAYOR - REDIRECT - MASSENA

allegations--the Department specifically asked questions about the reporting by the Respondent against the Principal, was he aware of any of those allegations.

MR. MASSENA: No, that's not--that's not what my--

[Crosstalk]

THE HEARING OFFICER: [Interposing]

Well, here's my concern as the Hearing Officer. I really don't want to see this hearing derailed, or sidetracked by collateral matters. With that having been said, I will allow Respondent to ask this witness, in light of the recent testimony, as to whether or not--not simply whether or not there were complaints made by teachers. We understand that there were, but generally, what the nature of those complaints were. Let's bring in the Superintendent.

MR. FRANCIS: And again, over the Department's objection.

THE HEARING OFFICER: So noted. Thank you, Superintendent.

MR. PRAYOR: Yes.

MR. MASSENA: Okay.

PRAYOR - REDIRECT - MASSENA

asked and answered. Did you not just ask the witness that same question or did I misunderstand?

MR. MASSENA: Well, I'm asking him earlier does he recall stating that he is aware of allegations--

THE HEARING OFFICER: [Interposing] Yes.

MR. MASSENA: --that teachers have made against the Principal.

THE HEARING OFFICER: And his answer is, yes, he did testify to that, and I thought you had just asked that very same questions moments ago. I mean I'll let you do--I'll give you some latitude to further explore this, but it seems as though you just asked that exact same question.

Q. Now having answered that you were aware of allegations, my question to you is--my question to you is what the nature of those allegations--

MR. FRANCIS: [Interposing] Objection.

Q. --that you recall?

MR. FRANCIS: Objection, he indicated he did not recall.

PRAYOR - REDIRECT - MASSENA

THE HEARING OFFICER: Mr. Massena?

MR. MASSENA: Thank you, Your Honor.

Q. I believe, Superintendent, the question I was just asking was generally, what are the nature of the complaints from other teachers that you've heard?

A. I can't recall.

Q. Okay. Earlier, during your redirect testimony, you said that you were aware of allegations that teachers have made--

MR. FRANCIS: [Interposing] Objection asked and answered.

THE HEARING OFFICER: He hasn't asked the question yet.

MR. MASSENA: Yeah.

THE HEARING OFFICER: And so let's give him a moment and then you can make your objection.

Q. You were aware of allegations that teachers have made regarding Principal Dorcelly. What were the nature of those allegations?

MR. FRANCIS: Objection asked and answered.

THE HEARING OFFICER: I do believe that was asked and answered. I believe that was

PRAYOR - REDIRECT - MASSENA

THE HEARING OFFICER: Well, you know what, I'm--look, the witness just testified that he is aware that teachers made allegations against the Principal. That's his testimony, and I am going to allow this question. And, Superintendent, what's your answer?

MR. PRAYOR: Sorry, but can I ask a question?

THE HEARING OFFICER: No.

MR. PRAYOR: I can't--

[Crosstalk]

THE HEARING OFFICER: --not here.

A. Can you repeat the question, sorry?

Q. Sure. I guess--

[Background conversation]

Q. Okay. Are you aware of the nature of the allegations that you said teachers have made regarding Principal Dorcelly?

MR. FRANCIS: Objection, that wasn't the question.

THE HEARING OFFICER: I think in essence it was, overruled.

A. I would say yes.

Q. Could you describe that to the Arbitrator?

PRAYOR - REDIRECT - MASSENA

MR. FRANCIS: [Interposing] Objection-

-

[Crosstalk]

THE HEARING OFFICER: [Interposing]

Overruled, overruled, I have already ruled on this.

A. So, they could be allegations that relate specific to--

MR. MASSENA: [Interposing] May I just--if the Court could remind--the Arbitrator could just remind the Superintendent, which I am sure he is aware of, that he is under oath.

THE HEARING OFFICER: Well, I think he knows he's under oath. Please tell us your answer.

A. I'm trying to gather. It's just there's a lot going on, but there are allegations of--there are allegations of grade changes. I have allegations of harassment. That's what I recall right now.

Q. And these allegations are being made by teachers other than Dr. Severin. Is that correct?

A. Yes.

Q. Okay.

MR. MASSENA: And just one moment,

PRAYOR - REDIRECT - MASSENA

Q. I'll withdraw that question. Were you interviewed as a result of that investigation?

MR. FRANCIS: Note my objection. This is beyond the scope of cross.

THE HEARING OFFICER: Well, there were questions about the investigation. I will acknowledge that they were not followed up on by the Department, but it was raised by the Department, and so I am going to permit these questions.

MR. MASSENA: Oh, okay.

Q. You were not investigated as--and you didn't participate in that investigation.

A. No.

Q. Okay.

MR. MASSENA: No further questions.

THE HEARING OFFICER: Any additional questions from the Department?

MR. FRANCIS: Yes, in so much as the Respondent opened the door to--as to the results of findings and investigations, the Department would like to have this marked as Department--

THE HEARING OFFICER: [Interposing] I believe we're up to--

PRAYOR - REDIRECT - MASSENA

Your Honor.

THE HEARING OFFICER: Mm hmm.

Q. You had also spoken during cross examination about that you were--that you were aware regarding the finding of the investigation. Is that correct? I believe during direct examination--the finding of the OSI investigation.

A. The findings?

Q. Yeah, the findings.

A. Say that--repeat.

Q. It's my recollection that during cross examination you stated that you were aware of the findings of the OSI investigation. Is that correct?

A. I don't know if I said that.

Q. Okay. So, you are not aware, correct?

A. The findings?

Q. Yes, the findings.

[Crosstalk]

Q. What the ruling was or the determination.

A. No, I don't think I said that.

Q. Okay. So, you are not aware. And you were not privy to that investigation. Is that fair to say?

A. Which...?

PRAYOR - REDIRECT - MASSENA

MR. FRANCIS: --19.

THE HEARING OFFICER: No, no, I think we're up to 30. I've got--

MR. FRANCIS: [Interposing] Yes, Department's 30 for identification.

THE HEARING OFFICER: Mm hmm.

MR. FRANCIS: I have a copy for the Arbitrator.

THE HEARING OFFICER: So, I'll mark this for identification as Department Exhibit 30.

MR. FRANCIS: I have a copy for the Respondent.

MR. MASSENA: Should I--

MR. FRANCIS: [Interposing] And as such, I ask that the Arbitrator take judicial notice of the decision and admit Department's 30 into evidence.

MR. MASSENA: Your Honor, there has been no foundation for this. I do not believe that the door was opened in any shape, way, or form. The Department asked on their direct whether or not the Superintendent was aware of the findings, and that the findings were, I

PRAYOR - REDIRECT - MASSENA

believe, the Department actually said what the findings were during their direct. I simply asked was he aware, or was he privy, and did he investigate.

THE HEARING OFFICER: All right, here's the thing. The Department seems, I recall, to ask the Superintendent a question about the outcome of this investigation, the report for which is marked as Department 30 for identification. I never heard an answer. I think we just moved on from there; but I will say, as the Hearing Officer, that enough has now been said and spoken and questioned, with regard to this investigation, that I am going to admit it into the record. I am not certain that I am going to attach much, if any, weight to it given the fact that it's dated June 27th, 2016, and for other reasons that have been discussed on the record generally with a defense of retaliatory animus, but I am going to allow the Department to make its argument with regard to the outcome of this investigation. I already signaled that, so I am now revisiting this issue as to the admissibility of Department 30. And

PRAYOR - REDIRECT - MASSENA

unsubstantiated. I am not going to preclude the Department from further developing that argument. And on that basis, and generally on the grounds of relevance, I am admitting Department 30 into evidence.

[Whereupon Department of Education's Exhibit 30 is admitted into evidence]

MR. FRANCIS: Okay. I do have to make copies of Department--an item that I will ask to be marked Department's 31 for identification.

THE HEARING OFFICER: Okay. So, let's go off the record while we make copies.

[OFF THE RECORD, Make copies 2:49 p.m.]

[ON THE RECORD, Make copies 2:54 p.m.]

THE HEARING OFFICER: Okay, so let's go back on the record. Mr. Francis, do you have any additional questions for this witness?

MR. FRANCIS: Yes, I do. I have a document in my hand, a two page document, a three page, I apologize, document in my hand that I asked be marked Department's 31 for identification. I have a copy for the Arbitrator, and a copy for the Respondent.

PRAYOR - REDIRECT - MASSENA

in light of the record and what has transpired over the last couple of hearing days, I am now at this juncture where I am going to admit this Department 30 into evidence.

MR. MASSENA: I would ask the Court to just please note my objection. Please note my objection. I don't see anywhere in the testimony where what the Court had ruled previously doesn't apply. Although there has been a lot of testimony about the complaint, the sole purpose of the testimony, at least from the Respondent's position, is to demonstrate that a complaint was filed and the animus that proceeded from that complaint.

THE HEARING OFFICER: And I have made clear, both on the record and off the record, that I generally agreed with that position, that the relevant aspect of any retaliation claim is that a complaint was made, not the outcome of that complaint. Having said that, the Department has apparently made very clear, especially today, that part of its argument is, is that the complaint was found to be meritless without--and that it was ultimately

PRAYOR - REDIRECT - MASSENA

THE HEARING OFFICER: All right. So, I have marked it as Department 31 for identification.

MR. FRANCIS: Okay.

RE-CROSS EXAMINATION

BY MR. FRANCIS

Q. Did you receive an email from OSI regarding the--regarding the allegations made by the Respondent against Principal Dorcelly?

A. I don't recall.

Q. Were you ever made aware of a decision in regard to the allegations made by the Respondent against the Principal?

A. I don't recall.

Q. I ask for you to take a look at Department's 30 for identification and ask if that refreshes your recollection.

THE HEARING OFFICER: Department 31?

MR. FRANCIS: Thirty one, I apologize.

THE HEARING OFFICER: And this is a double sided document--

MR. FRANCIS: [Interposing] Yes.

THE HEARING OFFICER: --right, counsel? Okay.

PRAYOR - RE-CROSS - FRANCIS

Q. Does that refresh your recollection?

A. Yes.

MR. FRANCIS: I'd ask that Department's 31--

[Crosstalk]

MR. MASSENA: [Interposing] Refresh his recollection as to what?

MR. FRANCIS: Whether or not there was a result in the--or a decision regarding the allegations made by the Respondent against the Principal.

MR. MASSENA: Objection. Could the witness step out--

[Crosstalk]

THE HEARING OFFICER: [Interposing] Yes, certainly, Superintendent, if you could step out. Thank you so much.

MR. MASSENA: I believe the--when asked by the Department does that--does the individual recall, or recall, you know, a decision, that he said, no, he does not recall. Showing him the decision, I don't know if that necessarily lays the ground for the--

[Crosstalk]

PRAYOR - RE-CROSS - FRANCIS

someone has to. So, I'm sustaining the objection if the objection was to the admissibility of Department 31.

MR. MASSENA: Yes, sir.

THE HEARING OFFICER: And let's bring the Superintendent back in. And if you wish, counsel, as you like, you can attempt to lay a foundation for its admission into evidence.

MR. FRANCIS: Okay.

Q. Superintendent, I ask that you look at Department's 31 for identification again, and let me know if you recognize it, and what you recognize it to be.

A. So, yeah, I recognize it, and I recognize it to be a--this is traditional when an investigator concludes a case, whether they substantiate or unsubstantiate a case, and this one, based on what I am reading, was unsubstantiated.

MR. FRANCIS: And at this time, I ask that Department's 31 for identification be moved into evidence.

MR. MASSENA: Brief Voir Dire, Your Honor.

THE HEARING OFFICER: Sure.

PRAYOR - RE-CROSS - FRANCIS

THE HEARING OFFICER: [Interposing] It doesn't, no, no, it doesn't. So, it's not a foundational question. I thought the question being put to the witness was intended to try to refresh his recollection.

MR. FRANCIS: That's correct.

THE HEARING OFFICER: I am not at all clear, counsel, I'm directing this to the Department's counsel, what Department 31 is. I have no clue. I thought maybe it was linked to Department 30, but I don't know.

[Crosstalk]

THE HEARING OFFICER: Hang on. The Hearing Officer should never put in a position where he has to guess and connect these kinds of dots that are very far apart. I would ask, counsel, that you lay a more proper foundation for this document. You can ask him if he can identify the document, if you intend to put it in as a starter, but that's how we're going to approach this. If you put it in now, counsel, it does the Department no good, because I don't know what it is. I don't know if this witness can lay a proper foundation to identify it, but

PRAYOR - VOIR DIRE - MASSENA

VOIR DIRE

BY MR. ALAIN MASSENA

Q. Prior to today, had you seen this document?

A. I believe so.

Q. And when did you see this document?

A. We are, I don't know if this could be a response, but this is--we are always cc'd on any conclusions of substantiated or unsubstantiated cases.

Q. But as you stand here today, you're not certain whether or not you--

[Crosstalk]

MR. FRANCIS: [Interposing] Objection, he's impeaching his own witness.

THE HEARING OFFICER: Well, no, no, that's--

MR. MASSENA: This is Voir Dire.

THE HEARING OFFICER: Yeah, but you can Voir Dire as to the authenticity of the document. That may go to whether or not, as counsel has already asked if he has previously seen this document. I believe it's the witness' testimony that he believes he has seen this document before. Is there another question for

PRAYOR - VOIR DIRE - MASSENA

this witness?

Q. When did you see the document?

A. I can't recall.

Q. Did you generate the document?

A. No.

Q. Is your signature anywhere on the document?

A. No.

Q. And...

MR. MASSENA: One second, Your Honor.

Q. And you don't recall when or if you saw this document, correct?

MR. FRANCIS: Objection, that wasn't his testimony.

THE HEARING OFFICER: No, he said he saw the document.

Q. You don't recall when you saw the document, okay. And there is no way, withdrawn. And you don't know if the document that you believe you may or may not have seen is a fair and accurate representation of the document that is seen--that you have before you today.

MR. FRANCIS: Objection.

THE HEARING OFFICER: Look, I am going to cut to--I am going to cut to the quick. I am

JEAN RICHARD SEVERIN - 07/12/16

MR. FRANCIS: Thank you.

[OFF THE RECORD, Break 3:03 p.m.]

[ON THE RECORD, Break 3:07 p.m.]

THE HEARING OFFICER: Okay, let's go back on the record. Any additional questions, Mr. Francis?

MR. FRANCIS: Yes.

RE-CROSS EXAMINATION (CONT.)

BY MR. FRANCIS

Q. You indicated on redirect that other teachers made allegations against the Principal. Is that correct?

A. Yes.

Q. Now, were you--did you hold a disciplinary conference with the Principal in regard to these, quote unquote, allegations?

A. No.

MR. FRANCIS: Nothing further.

THE HEARING OFFICER: Anything additional from Respondent?

MR. MASSENA: Just briefly.

THE HEARING OFFICER: Mm hmm.

MR. MASSENA: This is re-redirect.

REDIRECT EXAMINATION

JEAN RICHARD SEVERIN - 07/12/16

not going to admit this document. It is not signed. I don't know if it's a draft. I don't know if it's a final. I don't know what it is, and I don't think this witness, quite frankly, is confident to address those questions. I don't--cannot attach the sufficient reliability to this document--

[Background noise coughing]

THE HEARING OFFICER: --the kind of comfort that would allow this Hearing Officer to rely on said document in any consideration of this case. So, Department 31 is not in evidence. Any additional questions for this witness?

[Crosstalk]

THE HEARING OFFICER: Forgive me, any additional questions from the Department in its cross of this witness?

MR. FRANCIS: Yes, I do, but I'm going to need a moment.

THE HEARING OFFICER: Okay.

MR. FRANCIS: Okay.

THE HEARING OFFICER: Let's take a short break.

PRAYOR - REDIRECT - MASSENA

BY MR. MASSENA

Q. Superintendent Prayor, on re-cross you just--on cross you just stated that you were aware of allegations by other teachers, correct?

A. Yes.

Q. Okay. Could you just give us a timeframe for some of these allegations?

MR. FRANCIS: Note my objection. It's beyond the scope.

THE HEARING OFFICER: So noted, overruled, you can answer.

A. What do you mean?

Q. The timeframe, like when did--when were these allegations made, excluding the allegations made by Dr. Severin?

A. I would say within the last four months.

Q. Okay. Were any of--

[Crosstalk]

THE HEARING OFFICER: [Interposing] Hang on, hang on, there's an objection. Yes, there's no question you recognize, okay.

MR. FRANCIS: However, the answer is within the last four months. That post dates--

[Crosstalk]

PRAYOR - REDIRECT - MASSENA

THE HEARING OFFICER: [Interposing]

You can argue that. That's his answer.

MR. FRANCIS: --Specifications.

THE HEARING OFFICER: That's his answer under oath. You may argue that, next question.

MR. MASSENA: Okay.

Q. Were any of these allegations publicized in the media?

MR. FRANCIS: What could be the relevance of that question, Mr. Massena? It seems if they were, in fact, in the last four months, they would post date the filing of the charges in this case. So, tell me what the relevance is.

MR. MASSENA: I'm just asking whether--I was asking whether they were publicized.

Q. How were these allegations--how did these allegations come to light, or how did you learn of these allegations?

THE HEARING OFFICER: Okay, so it's a different question now. How did you--he's asking the witness how he learned of the allegations.

PRAYOR - REDIRECT - MASSENA

A. --of the allegations.

Q. Yes.

A. I would say through Principal Dorcely.

Q. Did you learn through any other means?

[Crosstalk]

THE HEARING OFFICER: --so I did not hear it, and you can make your objection if you like.

Q. Did you learn through any other means?

THE HEARING OFFICER: No, I am going to permit the question. It's the same question. It's just expanding upon it. Go ahead, your answer?

A. Yes.

Q. What were those means?

A. Media.

Q. Okay. And what did you learn from the media?

MR. FRANCIS: Objection, beyond the scope completely.

THE HEARING OFFICER: Yeah, Mr. Massena, I'm not sure I understand the relevance of this question. So, let's presuppose that the allegations were--

PRAYOR - REDIRECT - MASSENA

MR. FRANCIS: We went over this. He indicated he didn't recall.

THE HEARING OFFICER: Well, I don't know. No, no, I don't--I don't recall that, but I am a bit concerned that we're asking this question at this juncture. Mr. Massena, you want to know how he came to learn of the allegations?

MR. MASSENA: Yes.

THE HEARING OFFICER: Made by other teachers against the Principal?

MR. MASSENA: Correct.

MR. FRANCIS: Again, note my objection--

THE HEARING OFFICER: [Interposing] I do.

MR. FRANCIS: --as to relevance, and it's highly prejudicial more than probative.

THE HEARING OFFICER: All right. I note your objective, your objection, and I am going to permit the question. You can answer, Superintendent.

A. Sure. So, the question is how did I--

Q. [Interposing] Learn.

PRAYOR - REDIRECT - MASSENA

[Crosstalk]

THE HEARING OFFICER: --no, no, hang on--were made in the media, or that this witness, who just testified that he heard about the allegations in the media, how does that help develop this record?

MR. MASSENA: In essence, Your Honor, and again I don't know if this is something that the Superintendent should be privy to--

THE HEARING OFFICER: [Interposing] All right, well let's have the Superintendent step outside. You're almost done, Superintendent.

[Crosstalk]

MR. MASSENA: Thank you.

THE HEARING OFFICER: Well, let's have him step outside. We're doing this exercise. Okay, go ahead.

MR. MASSENA: In essence, Your Honor, my client has made allegations regarding the Principal taking part, or attempting to cheat, and that--

THE HEARING OFFICER: [Interposing] I got it.



PRAYOR - REDIRECT - MASSENA

MR. MASSENA: --we got all of that, right. Now, within the last four months, and I would say that he was reassigned on May 26th, May 6th, so we're still talking about a timeframe that is prior to his reassignment.

THE HEARING OFFICER: When were the charges filed? Do you know, counsel?

MR. MASSENA: I believe April 23rd.

THE HEARING OFFICER: Of what year?

MR. MASSENA: Of this year 2000--which charges are you referring to?

THE HEARING OFFICER: I'm talking about the--when were the disciplinary charges, that are the subject of this 3020-a proceeding, when were they filed?

MR. MASSENA: I believe it was April 23rd.

THE HEARING OFFICER: Of 2016.

MR. MASSENA: Correct, correct, so four months we're still talking about a timeframe that's within--within the charging period. Other teachers came forward indicating that Principal Dorcelly was taking part in cheating. Again, this lends credibility to my

PRAYOR - REDIRECT - MASSENA

of the charges against the Respondent, I will hear that. In other words, if you're trying to pinpoint a timeframe, the timeframe--

[Background noise coughing]

THE HEARING OFFICER: --for the purpose of this 3020-a proceeding is only relevant as it relates to the period before, before these instant charges--the instant charges were filed against the Respondent so...

MR. MASSENA: I understand the Court's ruling; however again, specifically what the defense is attempting to do through this witness, which I believe is probative to the Arbitrator's ability to make a fair ruling on all the evidence, is that my client put forward that, you know, what my client has put forth. Now, lo and behold, other teachers have come forward with the exact same allegations.

THE HEARING OFFICER: But they're just allegations, sir. They're just allegations. There is really very little that I can do with that as a Hearing Officer. They're allegations. Allegations are not the same as findings of guilt. You know, I will allow you to try to

PRAYOR - REDIRECT - MASSENA

client's defense--

[Crosstalk]

THE HEARING OFFICER: Mr. Francis?

MR. FRANCIS: Again, these are, quote unquote, if they exist, allegations. We've already heard testimony that no allegations have been substantiated. And, therefore, to permit that answer on the record would be highly prejudicial and definitely not probative.

THE HEARING OFFICER: Well, I can certainly distinguish, Mr. Francis, between allegations and, you know, findings of guilt. They are not one in the same, and I certainly appreciate that.

MR. FRANCIS: And further, I ask that any testimony in this regard be stricken from the record.

THE HEARING OFFICER: Mr. Massena, if you want to ask the witness about any allegations that he heard, and we've already established that he is aware of other allegations from teachers, but in terms of the timeframe that you're now injecting into this questioning, anything that predates the filing

PRAYOR - REDIRECT - MASSENA

identify the period in which these allegations against the Principal were made by other teachers. And to the extent that it predates the filing of the disciplinary charges against the Respondent, I am going to deem them relevant, but that's the extent of it, all right? They're just allegations. Let's bring the witness back in. Thank you, Superintendent.

MR. PRAYOR: Yep.

Q. Okay. You stated on cross--you stated on that cross that you were aware of allegations made by teachers, right. And I believe you--if you could just refresh our recollection as to when you said you--if you give us a period of time as to when these allegations by other teachers were made.

A. Yeah, I think I said within the last four months.

Q. Okay. And when you say the last four months, would that be--we're in July--that would be April or March?

MR. FRANCIS: Note my objection as to--

-

[Crosstalk]

THE HEARING OFFICER: [Interposing] So

1 PRAYOR - REDIRECT - MASSENA  
 2 noted, overruled. Let's get an answer.  
 3 A. Yes.  
 4 Q. Okay. So, that would be towards the end of  
 5 March up to today?  
 6 MR. FRANCIS: Note my objection,  
 7 leading.  
 8 THE HEARING OFFICER: So noted, that's  
 9 fine, overruled.  
 10 A. Yes.  
 11 Q. Okay. And the--and I believe you stated  
 12 earlier as well that the nature of these allegations  
 13 was Principal Dorcelly participating in cheating?  
 14 MR. FRANCIS: Objection.  
 15 THE HEARING OFFICER: Overruled.  
 16 A. Yes. I think yes, yeah.  
 17 Q. And these were made by teachers other than  
 18 Dr. Severin. Is that correct?  
 19 MR. FRANCIS: Objection asked and  
 20 answered.  
 21 THE HEARING OFFICER: Asked and  
 22 answered, sustained.  
 23 MR. MASSENA: Okay.  
 24 Q. And then just lastly, you--actually  
 25 that's...

1 PRAYOR - REDIRECT - MASSENA  
 2 MR. MASSENA: Thank you.  
 3 DIRECT EXAMINATION  
 4 BY MR. MASSENA  
 5 Q. Dr. Severin, could you please--  
 6 [Background conversation]  
 7 Q. Dr. Severin, what do you do for a living?  
 8 A. I am an educator.  
 9 THE HEARING OFFICER: Keep your voice  
 10 up, please.  
 11 A. I am an educator with the New York City  
 12 Department of Education.  
 13 Q. Okay. And would you kindly tell--give the  
 14 Arbitrator a little information about your  
 15 background?  
 16 A. I was born and raised in Haiti. I came  
 17 here when I was 14 years old.  
 18 Q. And you came here alone, or you came here  
 19 with family?  
 20 A. I came here with my family, my mother and  
 21 my sisters.  
 22 Q. Just one second. Okay, and is English your  
 23 first language?  
 24 A. No.  
 25 Q. Okay. So, how did your education proceed?

1 PRAYOR - REDIRECT - MASSENA  
 2 MR. MASSENA: No further questions.  
 3 THE HEARING OFFICER: Okay, anything  
 4 further from the Department?  
 5 MR. FRANCIS: Nothing further from the  
 6 Department.  
 7 THE HEARING OFFICER: That means  
 8 you're excused, Superintendent. Thank you very  
 9 much for your participation. Let us now go off  
 10 the record.  
 11 [OFF THE RECORD, Dismiss witness 3:18  
 12 p.m.]  
 13 [ON THE RECORD, Dismiss witness 3:30  
 14 p.m.]  
 15 THE HEARING OFFICER: Let us go back  
 16 on the record. Does the Respondent have another  
 17 witness that he wishes to call?  
 18 MR. MASSENA: Yes. The Respondent  
 19 right now calls Dr. Severin to the stand.  
 20 THE HEARING OFFICER: Okay, Dr.  
 21 Severin, if you would kindly raise your right  
 22 hand. Do you swear to tell the truth, the whole  
 23 truth, and nothing but the truth?  
 24 MR. JEAN RICHARD SEVERIN: I affirm.  
 25 MR. MASSENA: Your witness.

1 SEVERIN - DIRECT - MASSENA  
 2 A. I attended junior high school at 109, high  
 3 school at Andrew Jackson High School.  
 4 Q. That's a public--a New York City public  
 5 school?  
 6 A. Yes. I graduated the top five per cent in  
 7 my class. Following that, I attended City College of  
 8 New York.  
 9 Q. And what did you study at City College of  
 10 New York?  
 11 A. At City College, I major in black studies.  
 12 I received my Bachelor's Degree. And following my  
 13 Bachelor's Degree, I received a Master's Degree in  
 14 History.  
 15 Q. When did you receive the Master's Degree?  
 16 A. In 2007.  
 17 Q. Okay.  
 18 A. From the same city institution, City  
 19 College. And--  
 20 Q. [Interposing] And I'm sorry, the Master's  
 21 Degree was in what again?  
 22 A. History. And in 2008, I started my  
 23 doctoral program in interdisciplinary studies.  
 24 Q. What does that mean?  
 25 A. Interdisciplinary studies, my focus was on

SEVERIN - DIRECT - MASSENA  
public policy and social change, social issues. In 2014 I defended and successfully obtained my Doctorate Degree.

Q. Could you share with the--so you're a product of the New York City school system.

A. Yes.

Q. Okay. Could you share with the Arbitrator your professional background? Actually withdrawn, before that, are you married?

A. Yes.

Q. What is your marital status?

A. I am married. I'm a father of five boys.

Q. Okay. And how long have you been married?

A. Three years.

Q. Okay. And, okay, and you're a New York City resident?

A. Yes.

Q. Okay. Could you share with the Arbitrator your professional background?

A. In 1996, I joined the New York City Department of Education as a substitute teacher. Within that same school year, I obtained my PPT, professional teaching license.

Q. And what goes into obtaining your PPT?

SEVERIN - DIRECT - MASSENA  
for a short period of time. Then I receive provisional license and gained the certification.

Q. Okay. And what school was that?

A. I sub at various schools.

Q. Okay.

A. In 2004, I joined the middle school 8, I.S. 8 in Queens, where I worked as a Social Studies teacher. There, I was able to implement various program, a young male mentorship program, -- [00:01] program. Following middle school 8, I move on to Catherine and Count Basie Middle School 72, and I taught Social Studies there till 2007.

MR. FRANCIS: I apologize. I didn't hear the name of the latter school.

THE HEARING OFFICER: Catherine and Count Basie.

MR. FRANCIS: Thank you.

A. And following Catherine and Count Basie, I joined P.S. 40 in Queens as well, and I taught elementary school again, while I was pursuing my doctorate degree. And in 2010, I left P.S. 40 and I move on to high school, where I taught at Queens High School for Information, Research, and Technology, QIRT. There, I was a teacher under the Principalship

SEVERIN - DIRECT - MASSENA  
A. It consists of having a Bachelor's Degree, having my transcript assessed by the New York City Department of Education. And there, they grant the PPT license for me to fully--to be fully employed teaching class on my own, not as a substitute.

Q. And that was when?

A. From the school year 1996 to 1997. And I had the PPT license from that time until I became certified with the new requirement.

Q. What school--what was the first school that you worked in?

A. I taught at P.S. 22 in elementary school. There I taught fourth and fifth grade.

Q. Okay. How long did you work at P.S. 22?

A. I work at P.S. 22 for five years from 1996 to 2001.

Q. Okay and your reason for leaving that school?

A. At the time, the provisional license was discontinued, and I did not have the new certificates that was required.

Q. Okay. And where did you go after that school?

A. After that, I move to Queens, where I sub

SEVERIN - DIRECT - MASSENA  
of Ms. Michelle Williams. I spent two years there. Following that, I was excessed.

Q. Now when you say excessed, what does that mean?

A. I receive an unsatisfactory rating, and from that I still had an 89 per cent passing rate, which was a whole different issue. So following the excess, I became an ATR, and that school year, 2012-2013, I joined BCAE, the School of Business for Computer Application and Entrepreneurship, my old high school campus, Andrew Jackson. And I spent a year and a half there.

Q. Okay, so you were able to teach at your old high school.

A. Yes.

Q. Okay. So, what was that experience like?

A. It was very, very enriching. I was able to help the students make significant progress. Following that year, BCAE was closed, one of the school that was phased out, and I had to seek additional new employment. And I submitted a copy of my resume via fax to Urban Action Academy. When I submitted my resume to Urban Action Academy, that very same afternoon, I received a call from the

SEVERIN - DIRECT - MASSENA  
 secretary of the school at that time, Ms. Paris [phonetic], who called me asking me to make an appointment.  
 Q. Do you remember when that was?  
 A. The exact date, no; however, I do remember it was that very same day that I submitted a fax that Ms. Paris called me, informing me that Mr. Dorcely want to see me, want me to schedule a demonstration, a demonstrative lesson, a demo lesson.  
 Q. Was this in June of 2014?  
 A. Yes.  
 Q. Okay. So, please share with us what happened next.  
 A. June 2014 the appointment was made. I attended the demo lesson. It was conducted in the presence of two teachers.  
 Q. Do you recall who those two other teachers?  
 A. Ms. Apperson [phonetic] and Ms. Castillo [phonetic].  
 Q. Okay. And could you just explain to us what a demo a lesson is.  
 A. A demo lesson is when a teacher is given an opportunity to come and demonstrate their ability to teach, to manage, to basically motivate, move,

SEVERIN - DIRECT - MASSENA  
 formality. It was a done deal. Once Michelle Williams vouched for you, that's all that was matter.  
 Q. Okay. So, what happened next?  
 A. What happened next, the end of the school year, summer school started in July, usually the first day after July 4th. Mr. Davis [phonetic], who was supposed to be teaching, was unable to be there. Mr. Dorcely asked me to cover, and I covered the class for the two days. At the time, again, Mr. Dorcely was informed by Ms. Paris how great I was able to manage the class, I was able to have the students writing, have the students focus and working, and Mr. Dorcely was very impressed. And as a result of him being impressed with what I was doing, we engage in a variety of thought provoking ideas for the school year, upcoming school year, where he asked what are some of the concerns that I have. And I informed him that the number one problem we have in the school system today is many of the children are unable to write. And one of the number one target you should have is to help each and every one of the students develop their writing, so they can be able to express themselves both in ELA and Social Studies, and he will see that the school will

SEVERIN - DIRECT - MASSENA  
 inspire students. And at that lesson, Ms. Apperson and Ms. Castillo were very impressed with my ability to manage the students that were given to me, even though one of the students were asked to be a challenge somewhat, to try to see how I would respond to a student who was troubling in the class, who's not behaving, who's not cooperative--cooperating with me. And as a result of that, the report was sent to Mr. Dorcely that I was fine; but more than anything, the reason, I learned later on, with why I was called immediately, was that Michelle Williams, who had been reassigned as a Principal, she was the Assistant Principal for Mr. Dorcely at Urban Action Academy.  
 Q. And what was your relationship with Ms. Williams?  
 A. Ms. Williams was my former Principal, as mentioned, and under her leadership, I had a 94 per cent passing rate. So, when Mr. Dorcely, which later I find out, learned or saw the school that I was coming from, and the numbers that I had listed on my resume, he verified with Michelle Williams whether or not this was accurate. And she informed him that as solid as a rock. And Mr. Dorcely even stated to me that you were going to be here. It was just a

SEVERIN - DIRECT - MASSENA  
 rise. So, on saying that, we had different ideas, other ideas that I have. He said--he asked me regarding the -- [00:01] that I had in the other schools. I told him one of the thing I can do, I can do a -- [00:01] for school. At the time, I can also do a boys' club, where we have soccer, where we have a soccer club where the young men could be encouraged to come to school early, play some soccer, and go to class right after, and all of--  
 [Crosstalk]  
 Q. [Interposing] These conversations that you had with Mr. Dorcely, when did these conversations take place?  
 A. These took place in July. In July when I came to sub, we had some ideas, and later on when Mr. Dorcely would ask me to come and work with teachers in preparation for the upcoming school year.  
 Q. So, how would you describe this early stage of your relationship with Mr. Dorcely?  
 A. It was a perfect match, in the sense that he wanted to see what I could bring to the school, and I was too happy to make my contribution to move the students and help them improve.  
 Q. Okay. So, what happened next?

SEVERIN - DIRECT - MASSENA

A. Well what happened next, one day I was preparing with some of my colleagues, and Mr. Dorcely came into the room and asked me to come with him. And when he asked me to come with him--

Q. [Interposing] Now do you--when you say one day, do you remember the specific day?

A. No, I do not remember the exact same day--the exact date; however, I do remember that Mr. Dorcely came and said--he spoke Creole to me at that time.

Q. Now when you say he spoke Creole to you at that time, what do you mean?

A. Well, I don't know if the Arbitrator will, but I'll translate. He said to me, I'll translate what's said, he says hey my man, come and look at this for me.

Q. Okay. And when you say Creole, are you referring to a particular type of Creole?

A. Haitian Creole.

Q. Okay. And as you stated, you're of Haitian dissent?

A. Yes.

Q. Is Mr. Dorcely of Haitian dissent as well?

A. Yes.

SEVERIN - DIRECT - MASSENA

Q. Okay. So, what happened next?

A. And when he said look at this for me, he had an exam in his hand and said, see that this young lady receives all of her scores, all her grades.

Q. Now when he said young lady, was there a particular lady he was referring to?

A. Yes. He was referring to Student "A".

Q. And was she present during this conversation?

A. No. At that time, we were walking in the hall--

Q. [Interposing] And I am going to ask you just, Dr. Severin, if you could just speak up and then slow down just a little bit so that everything can be captured.

THE HEARING OFFICER: You said you didn't know when this happened? Leaving aside--  
[Crosstalk]

THE HEARING OFFICER: [Interposing]  
Leaving aside the precise date, can you give us a month--

MR. SEVERIN: [Interposing] Oh, yes.

THE HEARING OFFICER: --year--

MR. SEVERIN: [Interposing] August, it

SEVERIN - DIRECT - MASSENA

was August 2014.

THE HEARING OFFICER: Thank you.

A. So, as we're walking down the hallway towards the main office, Room 105, he showed me the test score, and I look at it, and I check to see if all the scores were bubbled.

Q. And this was a test score for what?

A. For Global Studies, Regents exam for Student "A", and I looked at it. Afterwards, I informed Mr. Dorcely that she didn't receive--  
[Background noise papers shuffling]

A. --and there was, you know, there was no error in term of grading that was given to her.

Q. Now, Student "A" was not one of your students, correct?

A. I had not even been--I did not begin teaching at the school yet--

Q. [Interposing] Okay.

A. --so I didn't know any of the students. So, there was no way of me to know who is Student "A", except just the paper--

Q. [Interposing] Okay.

A. --but while I was in the room--

[Crosstalk]

SEVERIN - DIRECT - MASSENA

Q. [Interposing] Well, let me--just one moment, Dr. Severin. If you know, what is the--what is the procedure in terms of grading Regents?

A. The Regents are graded at different location. At one time, they used to be graded in house, but at that particular time it was graded at a different school, but it was brought back. All Regents are sent to their school after grading.

Q. And what happens when the Regents is sent to their school?

A. When the Regents is sent to the school, the Principals are responsible to store, to keep them, and whatever it is that they have to do to safeguard just in case a score is challenged, a grade needs to be reviewed for example.

Q. And was this such an example of a review or a challenge?

A. Personally, I don't know what preceded him coming to ask me. The only thing that I know is I don't know Student "A", but just out of nowhere, Mr. Dorcely came and asked me to look. And when I looked at the exam, I give him my assessment, following telling him that she had received all her credits. He asked me what do you think? Where do you think

SEVERIN - DIRECT - MASSENA

she could have done better? I looked at her essay exam, and looking at the essay exam, I mention that she had not written enough. Second, I look at the DBQ, which are short answers, where students receive individual points for each answer, and I mention to him that she could have answered X question a little bit, and that could have given her one or two more points, and that would have made the difference.

Q. When you say made the difference, what do you mean by that?

A. What I mean by is Student "A" may have scored 63 or 64.

Q. And what is the significance of a 63 or a 64?

A. A 65 is passing, and her graduation was pending on her passing the Global Studies. So, when her mother, Student "A's" mother came to the school to find out if she had passed the Global, that's when Mr. Dorcely, I learned, came to try to pull her-- pulled her exam out of all the other exams to look and -- [00:01] what was in it.

Q. So, what happened next?

A. What happened next, Student "A" was brought into the room.

SEVERIN - DIRECT - MASSENA

mom we're going to work with you.

Q. Now, how would you describe when you made that motion that you demonstrated earlier for us, the recoiling motion, how would you describe Principal Dorcely's reaction to your recoiling motion?

A. When he saw me make that recoil motion, that's when he decide, you know nonchalantly, you know what Student "A", don't worry about that. We're going to prepare you and bring you--and in January you'll take the exam again, and we'll make sure to prepare you and you'll pass. It will be fine. Let me speak to mom and let her know. So, Mr. Dorcely went to Ms.--Student "A's" mother.

Q. And how do you know this?

A. Because I was not far from the main office. And he said, mom, we're going to prepare her for the exam in January, but in the meantime, you know, she can just come in and do some preparation and--

[Crosstalk]

Q. [Interposing] Let me just stop you for one moment. So, this entire sequence took place in August of 2014?

A. Yes, sir.

Q. Okay. And you said you now have been in

SEVERIN - DIRECT - MASSENA

Q. What room is this?

A. That's a room adjacent to the main office, which is Room 105. At that time, when Student "A" came in, Mr. Dorcely proceeded to pull out a pencil.

Q. Who else was present in the room at this time?

A. It was just myself, Mr. Dorcely, and Student "A" at the time.

Q. Okay.

A. When he pulled out the pencil and give it to Student "A", and she actually begin to write. I, my body gesture cringed a little bit across my--

[Crosstalk]

MR. MASSENA: [Interposing] Let the record reflect that the Respondent is currently pushing back in his chair as if to demonstrate a recoiling motion, and that his hands are--and that his arms are folded across his chest.

A. So, when I did that, Mr. Dorcely noticed my reaction. He said to Student "A", you know what, Student "A", please, disregard that. You'll come back and you'll take the exam in January. We'll prepare you by then and you should be fine. He says I'll speak to mom, and I'll let her mom--and I'll let

SEVERIN - DIRECT - MASSENA

the--you have been teaching and you have been in the teaching system for 20 years. Is that correct?

A. Now 2016, yes.

Q. Okay, for 20 years. What is the significance of Regents scores as it relates to a Principal?

A. Well, every Principal have goals. And these goals determine whether or not a Principal is kept as a Principal. It's a reflection on the school, whether or not the Principal is effective or ineffective. There's a great deal of implication regarding those Regents scores.

Q. Okay.

THE HEARING OFFICER: When you testified, you said each Principal has goals. So, you're talking about to your knowledge.

MR. SEVERIN: To my knowledge.

THE HEARING OFFICER: Goals that the Principal creates, or are goals created by others for the Principal? I just didn't understand your testimony.

MR. SEVERIN: These are goals created by others for the Principal.

THE HEARING OFFICER: Thank you.

SEVERIN - DIRECT - MASSENA

MR. MASSENA: Okay, could you just--  
just one moment. May we go off record?

THE HEARING OFFICER: Sure.

MR. MASSENA: For one moment?

THE HEARING OFFICER: We'll go off the  
record.

[OFF THE RECORD, Discussion 3:52 p.m.]

[ON THE RECORD, Discussion 3:52 p.m.]

THE HEARING OFFICER: Let's go back on  
the record. Okay, given the time of the day, it  
makes sense that we're going to conclude at this  
time. I thank you all for your participation.  
We will reconvene this Thursday at 10:00 a.m.  
Thank you all. Let's go off the record.

MR. MASSENA: Thank you.

(The hearing adjourned at 4:00 p.m.)

Ashley Weber [phonetic], Student "A"

CERTIFICATE OF ACCURACY

I, Debbie L. Manning, do hereby certify that the foregoing  
typewritten transcript of proceedings in the matter of New  
York City Department of Education v. Jean Richard Severin,  
File No. 29,298, was prepared using the required  
transcription equipment and is a true and accurate record  
of the proceedings to the best of my ability. I further  
certify that I am not connected by blood, marriage or  
employment with any of the parties herein nor interested  
directly or indirectly in the matter transcribed.

Signature:

Date: July 15, 2016

THE STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

In the Matter of  
NEW YORK CITY DEPARTMENT OF EDUCATION  
v.

JEAN RICHARD SEVERIN  
Section 3020-a Education Law Proceeding (File #29,298)

DATE: July 14, 2016

TIME: 10:00 a.m. to 5:15 p.m.

LOCATION: NYC Department of Education  
Office of Legal Services  
100 Gold Street, 3rd Floor  
New York, NY 10038

BEFORE: JAMES A. BROWN, ESQ.  
HEARING OFFICER

APPEARANCES: FOR THE COMPLAINANT:  
DANA KIM, ESQ., of Counsel  
NYC Department of Education  
Office of Legal Services  
49-51 Chambers Street  
New York, NY 10007  
Telephone: (212) 374-6741  
dkim14@schools.nyc.gov

FOR THE RESPONDENT:  
ALAIN MASSENA, ESQ., of Counsel  
305 Broadway, Suite 1001  
New York, New York 10007  
Telephone: (212) 766-1700  
avm@massenalaw.com



## Table of Contents

OPENING STATEMENT	1
NAME: PAGE:	2
WITNESS EXAMINATION	3
NAME: PAGE:	4
M. Satchell	5
Sworn	464
Direct by Massena	465
Cross by Kim	478
Re-direct by Massena	494
Re-cross by Kim	497
J. Severin	11
Direct by Massena	499
Voir dire by Kim	566
Direct (resume) by Massena	567
Voir dire by Kim	571
Direct (resume) by Massena	575
Voir dire by Kim	577
Direct (resume) by Massena	578
Cross by Kim	581
CLOSING STATEMENT	20
NAME: PAGE:	21
EXHIBITS	22
RESPONDENT DESCRIPTION I.D. IN EV.	23
10 E-mail from Ms. Fagan to Dr. Severin dated 3/22/15	24
11 E-mail	478 484
12 Phone log, 4/23/15	485 488
13 E-mail, 9/18/15	570 576
14 Dr. Severin's resume	577 578
DEPARTMENT OF EDUCATION DESCRIPTION I.D. IN EV.	25

DR. JEAN RICHARD SEVERIN - 07/14/16  
kindly note your appearances, beginning on my left.

MS. DANA KIM: Yes, Dana Kim for the Department. Good morning.

THE HEARING OFFICER: Good morning.

DR. SEVERIN: Good morning.

MR. ALAIN MASSENA: Alain Massena for the respondent. Good morning.

THE HEARING OFFICER: Good morning to you. Now when we last left off we were in the middle of the respondent's direct examination. It's my understanding, by way of an agreement, that respondent is going to call out of order a different witness to begin this morning. However, I'm also told by respondent's counsel that he wishes to be heard further with regard to Department Exhibit 30, which was admitted into evidence at the last hearing. Mr. Massena?

MR. MASSENA: Yes, Your Honor.

Briefly and respectfully I would just like to renew my objection to Department 30 being moved into evidence as Your Honorable Arbitrator rule prior to allowing this document into evidence that this evidence--that you're familiar with

1	DR. JEAN RICHARD SEVERIN - 07/14/16	461
2	(The hearing commenced at 10:00 a.m.)	
3	THE HEARING OFFICER: Good morning, my	
4	name is James A. Brown. I'm the hearing officer	
5	duly appointed pursuant to New York State	
6	Education Law, Section 3020-a, its rules and	
7	regulations, as well as the contractual	
8	provisions by and between the New York City	
9	Department of Education and the United	
10	Federation of Teachers. We are here today in	
11	the matter of Jean Richard Severin, SED File No.	
12	29,298. This is a continuing matter. While I	
13	await the arrival of counsel, let us now go off	
14	the record. Thank you.	
15	[OFF THE RECORD, Awaiting arrival of	
16	counsel]	
17	[ON THE RECORD, Awaiting arrival of	
18	counsel]	
19	THE HEARING OFFICER: So let us go on	
20	the record. Okay, so we are back on the record	
21	in this matter and I am joined by counsel for	
22	both sides, as well as the respondent. Good	
23	morning to you, Dr. Severin.	
24	DR. RICHARD SEVERIN: Good morning.	
25	THE HEARING OFFICER: If you would	

DR. JEAN RICHARD SEVERIN - 07/14/16  
this evidence, that this document is a document that is investigated by DOE, that it was entered into evidence, and I also just renew my objection that it was entered into evidence above the respondent's objection. With this particular document and what the District--the DOE seeks to achieve is to have another employee of the Department of Education in essence testify in this court and that's what, in essence, is taking place there in this finding which is highly prejudicial to my client and where my client has not had an opportunity to cross examine the individual regarding this document. I don't believe the document--there was any evidence or even a foundation that was properly laid for this document to come in, and obviously it's up to this fact find to determine the credibility of the respondent and of the witnesses and not necessarily to rely on the--or be persuaded by any other fact finding procedures, especially one that is in essence an arm of the Department of Education.

THE HEARING OFFICER: All right. I've heard this objection raised before. My ruling

1 DR. JEAN RICHARD SEVERIN - 07/14/16  
 2 remains the same. Department 30 is in evidence.  
 3 I think respondent is correct; I am the ultimate  
 4 fact finder in this proceeding and I honor and  
 5 respect that role. With that having been said,  
 6 let us now off the record so that we can bring  
 7 in the respondent's first witness.  
 8 [OFF THE RECORD, Call witness]  
 9 [ON THE RECORD, Call witness]  
 10 THE HEARING OFFICER: All right, let  
 11 us go on the record. All right, I see that the  
 12 respondent has his first witness this morning.  
 13 Can you kindly introduce him to us, Mr. Messina?  
 14 MR. MASSENA: Yes. The respondent  
 15 calls Mr. Mark Satchell. Mr. Satchell, would  
 16 you kindly spell your last name for us?  
 17 MR. MARK SATCHELL: Yes. S-A-T-C-H-E-  
 18 L-L.  
 19 THE HEARING OFFICER: If you would  
 20 raise your right hand. Do you solemnly swear or  
 21 affirm to tell the truth in this proceeding?  
 22 MR. SATCHELL: I do.  
 23 THE HEARING OFFICER: Mr. Messina,  
 24 your witness.  
 25 DIRECT EXAMINATION

1 SATCHELL - DIRECT - MESSANA  
 2 BY MR. ALAIN MESSANA  
 3 Q. Good afternoon--good morning, Mr. Satchell.  
 4 How are you?  
 5 A. I'm fine.  
 6 Q. What do you do for a living?  
 7 A. I'm a teacher at--  
 8 THE HEARING OFFICER: Could you just  
 9 keep your voice up please?  
 10 A. I'm a teacher at Urban Action Academy and  
 11 I'm also the UFT Chapter leader at the school.  
 12 Q. Okay, how long have you been a teacher?  
 13 A. I've been a teacher for five years.  
 14 Q. And your employer is the Department of  
 15 Education?  
 16 A. Yes.  
 17 Q. How long have you been--you said for five  
 18 years, is that correct?  
 19 A. Mm-hmm.  
 20 Q. Okay.  
 21 THE HEARING OFFICER: You have to say  
 22 yes or no.  
 23 A. Yes, sorry.  
 24 Q. And how long--you said you--how long have

1 SATCHELL - DIRECT - MESSANA  
 2 you been assigned to Urban Action Academy?  
 3 A. About three years.  
 4 Q. Besides being a teacher, do you serve any  
 5 other roles? I know you stated chapter leader--  
 6 A. Yes.  
 7 Q. Do you serve any other roles?  
 8 A. No, not currently, just the chapter leader.  
 9 Q. And are you familiar with disciplinary  
 10 conferences?  
 11 A. Yes.  
 12 Q. What are they?  
 13 A. They are conferences held by an  
 14 administrator where they're addressing a concern that  
 15 they're having. You know, they're usually given when  
 16 administration finds a teacher or somebody else on  
 17 the staff doing something that they're not supposed  
 18 to or maybe not doing something that they were told  
 19 to do or asked to do.  
 20 Q. Do you know an individual by the name of  
 21 Jordan--withdrawn. As a UFT rep, do you have any  
 22 duties or responsibilities during the disciplinary  
 23 conference?  
 24 A. I'm there as a representative of the union  
 25 for the member and to make sure that their contract

1 SATCHELL - DIRECT - MESSANA  
 2 is not being violated and that their rights can help.  
 3 THE HEARING OFFICER: Just keep your  
 4 voice up.  
 5 A. Sorry.  
 6 Q. Do you know an individual by the name of  
 7 Jordan Barnett?  
 8 A. I do.  
 9 Q. Who is she?  
 10 A. She is the assistant principal at Urban  
 11 Action.  
 12 Q. And do you know an individual by the name  
 13 of Steve Dorcely?  
 14 A. I do.  
 15 Q. How do you--  
 16 A. [Interposing] Principal of Urban Action  
 17 Academy.  
 18 Q. And do you also know--do you know an  
 19 individual by the name of Dr. Severin?  
 20 A. I do.  
 21 Q. And how do you know him?  
 22 A. He was a teacher at Urban Action Academy.  
 23 He's temporarily reassigned I believe.  
 24 Q. Okay. Do you know why you are here today?  
 25 A. Yes, I'm a witness for Dr. Severin.

Sheet 4

468

470

1 SATCHELL - DIRECT - MESSANA  
 2 Q. Okay. And then do you know that  
 3 disciplinary charges have been brought against Dr.  
 4 Severin?  
 5 A. I do.  
 6 Q. Did you attend any disciplinary conferences  
 7 with Dr. Severin?  
 8 A. Yes.  
 9 Q. And do you recall how many disciplinary  
 10 conferences you--  
 11 A. [Interposing] I actually tried to look back  
 12 to count them before coming and some of the pads that  
 13 I write my notes on during a meeting are at the  
 14 school building--  
 15 Q. Okay.  
 16 A. --locked up, so I wasn't able to actually  
 17 get a good count but there was a lot.  
 18 Q. When you say a lot, more than five?  
 19 A. Yes.  
 20 Q. More than ten?  
 21 A. Yes.  
 22 Q. And how would you describe these  
 23 disciplinary meetings, roughly?  
 24 A. To be honest, there was more than ten. I  
 25 would say the number was in the upwards of twenty

1 SATCHELL - DIRECT - MESSANA  
 2 wasn't the best thing to do in the eyes of the  
 3 principal or Ms. Barnett, the other assistant  
 4 principal.  
 5 Q. And during these meetings, how did you  
 6 participate in these meetings?  
 7 A. Well, I was there, as I said earlier, as a  
 8 representative for the union to make sure that the  
 9 members rights weren't being violated and to make  
 10 sure that it was, I guess, kind of kept to what the  
 11 charges were at the time and nothing else.  
 12 Q. Do you know what the genesis of the  
 13 hostility was?  
 14 A. I have an idea.  
 15 Q. Could you share that with us?  
 16 A. Yes. So this--not this school year but the  
 17 end of last school year, which would have been  
 18 2014/2015, Dr. Severin, I believe, was asked by the  
 19 administration to--and I can't recall if it was to  
 20 change a grade or if it was to allow a student extra  
 21 time on an exam, something along those lines, and Dr.  
 22 Severin had reported this incident to, I believe, SCI  
 23 and it seemed like a lot of the hostility throughout  
 24 this school year carried over from that incident.  
 25 Q. Okay, and you were able to garner this

469

471

1 SATCHELL - DIRECT - MESSANA  
 2 plus.  
 3 THE HEARING OFFICER: Just tell me the  
 4 time frame, if you would, roughly.  
 5 A. During the school year, since--from  
 6 September to March.  
 7 THE HEARING OFFICER: So it's the  
 8 2015/2016 school year?  
 9 A. Yes. Correct.  
 10 THE HEARING OFFICER: Thank you. I'm  
 11 sorry, your witness.  
 12 Q. And in attending these disciplinary  
 13 meetings with Dr. Severin, how would you describe the  
 14 mood of these meetings?  
 15 A. It was overall hostility; it definitely was  
 16 the overall mood.  
 17 Q. Okay, and could you describe that  
 18 hostility?  
 19 A. Well I would say the hostility, it  
 20 depended, because it could have been coming from  
 21 either side, it felt hostile being in the room.  
 22 They--the two sides were not working together in any  
 23 shape or form. It was not what I've seen to be  
 24 productive in any way. It was just pointing out  
 25 something that Dr. Severin might have done that

1 SATCHELL - DIRECT - MESSANA  
 2 through your meetings, through the disciplinary  
 3 conferences you attended?  
 4 A. Yes.  
 5 Q. In any of the disciplinary conference  
 6 meetings that you attended, did you ever observe or  
 7 overhear a threat from Principal Dorcelly to Dr.  
 8 Severin?  
 9 A. I did not, not that I can recall. But as I,  
 10 you know, as I was saying, there was definitely  
 11 hostility. There might have been but I don't  
 12 remember the exact wording. The principal did not  
 13 seem happy in any meetings overall.  
 14 MS. KIM: Objection.  
 15 THE HEARING OFFICER: Sustained.  
 16 A. This is just my opinion.  
 17 Q. Just one moment, Your Honor. Just one  
 18 moment. Do you recall being present during a staff  
 19 meeting in September, September 8th of 2015?  
 20 A. Yes, I do. I remember it because it was my  
 21 birthday.  
 22 Q. Okay, and what do you recall about that  
 23 meeting?  
 24 A. I remember very clearly a statement that  
 25 was made by the principal where he had said you had

1 SATCHELL - DIRECT - MESSANA  
 2 tried to take me down. He did not name who he was  
 3 talking about. But then something along the lines of  
 4 "I'm back and I'm stronger than ever and I'm going to  
 5 ride you."  
 6 Q. And this was--  
 7 A. [Interposing] And that was in September,  
 8 yes.  
 9 Q. 2015, right?  
 10 A. Correct.  
 11 Q. And this was--what type of meeting was this  
 12 that you were present in?  
 13 A. This was our pre-year faculty meeting where  
 14 the staff was just coming together for the first time  
 15 of the school year. There was a whole bunch of new  
 16 staff there that has never been a part of the  
 17 community for the school, and where we were really  
 18 getting our assignments and our staff handbook and  
 19 getting a little bit of a brief of what's coming for  
 20 the year ahead.  
 21 Q. And if you could just repeat the statement  
 22 that you overhead Principal Dorcey say.  
 23 MS. KIM: Objection.  
 24 THE HEARING OFFICER: I think he  
 25 already stated it for the record, counsel.

1 SATCHELL - DIRECT - MESSANA  
 2 Sustained.  
 3 Q. And do you know who that--do you have an  
 4 idea of who that statement was directed to?  
 5 A. I assumed in my mind it was to Dr. Severin  
 6 but, again, he didn't name anybody's name, so.  
 7 Q. Why did you make that assumption?  
 8 A. Because I had known about Dr. Severin  
 9 reporting the incident in regards to cheating.  
 10 Q. And how did you find out about Dr. Severin  
 11 reporting this incident?  
 12 A. From Dr. Severin.  
 13 Q. Okay. And have you learned--have any other  
 14 teachers reported cheating by Principal Dorcey?  
 15 A. Yeah, this school year.  
 16 Q. And how did you learn about that?  
 17 MS. KIM: Objection as to relevance.  
 18 THE HEARING OFFICER: What's the  
 19 relevance, Mr. Massena, as to other teachers'  
 20 complaints?  
 21 MR. MASSENA: The relevance goes,  
 22 again, to--withdrawn. Just one moment, Your  
 23 Honor?  
 24 THE HEARING OFFICER: Sure.  
 25 Q. I'd like to talk to you about the common

1 SATCHELL - DIRECT - MESSANA  
 2 planning time meetings, all right? What are those  
 3 meetings?  
 4 A. They are, or they were, our Circular 6  
 5 assignments which every teacher is supposed to have,  
 6 and they were actually, I guess, not correctly  
 7 assigned to us.  
 8 Q. What do you mean by that?  
 9 A. Teachers were not given a preference sheet  
 10 the prior year, the 2014/2015 school year, they were  
 11 not given the preference sheet where a teacher is  
 12 supposed to select three preferences off of a menu of  
 13 options for their Circular 6 assignment. So when  
 14 that was brought to the principal's attention,  
 15 instead of reverting back to the contract as he was  
 16 asked to do, pretty much we were all told that we had  
 17 to go to common planning time where we were split  
 18 into three separate groups and every day while the  
 19 students were at lunch during their 6th period, the  
 20 teachers were in common planning time and we're given  
 21 options of things we can do during this coming  
 22 planning time.  
 23 Q. What were some of those options?  
 24 A. Lesson tuning, unit planning, co planning  
 25 if you have a co-teacher, which didn't always work

1 SATCHELL - DIRECT - MESSANA  
 2 out too well because some of the co-teachers were in  
 3 different groups so we didn't really get to work  
 4 together as much as we would like to. I mean, those  
 5 are the only real good examples I could think of at  
 6 the moment.  
 7 Q. Was there frustration regarding the common  
 8 planning time among the teachers?  
 9 A. There was. There was, especially at first,  
 10 because a lot of teachers, as I mentioned, weren't  
 11 able to work with those that they might have wanted  
 12 to, they weren't able to plan for lessons during that  
 13 time because they were kind of busy with other things  
 14 to do. So there was a little bit of hostility.  
 15 Eventually it kind of seemed to break a little bit,  
 16 but for the most part, teachers were not happy with  
 17 the assignments that were given to them.  
 18 Q. Were these common planning time meetings  
 19 well attended?  
 20 A. As far as I know, yeah. Yeah, they were.  
 21 Q. Okay. And now let me ask you this  
 22 question. The--these common planning meetings, what  
 23 period did they occur?  
 24 A. They occurred during 6th period, the same  
 25 period all the students were in lunch.

1 SATCHELL - DIRECT - MESSANA  
 2 Q. And you stated that you attended at least  
 3 twenty disciplinary meetings, maybe more, with Dr.  
 4 Severin, correct?  
 5 A. Correct.  
 6 Q. At what time did those disciplinary  
 7 meetings take place?  
 8 A. During the common planning time, during  
 9 that 6th period.  
 10 Q. And, generally, how long would these  
 11 disciplinary meetings take--how long would they last?  
 12 A. They ranged from a brief five minutes to  
 13 the entire period, which was a thirty-eight minute  
 14 period.  
 15 Q. And were there times--withdrawn. You said  
 16 that you attended well over twenty disciplinary  
 17 conference meetings during the school year, is that  
 18 correct?  
 19 A. Yeah, well over. I know--I counted at one  
 20 point from, I believe it was December 10th up until  
 21 about the middle of May. The District rep for the  
 22 union, James Duncan, did a survey of his schools,  
 23 he's a Brooklyn High School rep, and--  
 24 MS. KIM: Objection. This is going  
 25 beyond the scope of this question.

1 SATCHELL - DIRECT - MESSANA  
 2 THE HEARING OFFICER: Well, I believe  
 3 the question was how many disciplinary meetings  
 4 were there?  
 5 MR. MASSENA: Yeah.  
 6 THE HEARING OFFICER: So I'm  
 7 sustaining the objection and you can, as you  
 8 like, answer, but specifically answer that  
 9 question.  
 10 A. Okay, well I was getting to the number was  
 11 about forty-three that I had counted just between the  
 12 timeframe of December to May.  
 13 Q. Okay. As a--in your role as UFT rep, did  
 14 you find the amount of the disciplinary meetings  
 15 unusual?  
 16 A. Yes.  
 17 Q. And what did you believe was the purpose of  
 18 these disciplinary meetings?  
 19 A. I believe they were just a way for the  
 20 principal to have something to say I gotcha with.  
 21 That was just my overall feeling. I thought that  
 22 they were just too many.  
 23 Q. One moment, Your Honor.  
 24 THE HEARING OFFICER: Let's go off the  
 25 record.

1 SATCHELL - DIRECT - MESSANA  
 2 [OFF THE RECORD, Discussion]  
 3 [ON THE RECORD, Discussion]  
 4 THE HEARING OFFICER: Let's go on the  
 5 record. Mr. Massena, any additional questions?  
 6 MR. MASSENA: No additional questions  
 7 for Mr. Satchell.  
 8 THE HEARING OFFICER: Cross  
 9 examination?  
 10 MS. KIM: Arbitrator Brown, if I could  
 11 just have twenty minutes?  
 12 THE HEARING OFFICER: By all means.  
 13 Let's go off the record once again.  
 14 MS. KIM: Thank you.  
 15 [OFF THE RECORD, Witness review]  
 16 [ON THE RECORD, Witness review]  
 17 THE HEARING OFFICER: Let's go back on  
 18 the record. Ms. Kim, are you ready to proceed  
 19 with cross examination?  
 20 MS. KIM: Yes.  
 21 THE HEARING OFFICER: Please do.  
 22 CROSS EXAMINATION  
 23 BY MS. DANA KIM  
 24 Q. Okay, thank you. Good morning, Mr.  
 25 Satchell. If there is a question that you don't

1 SATCHELL - CROSS - KIM  
 2 understand, just let me know and I'll rephrase it,  
 3 okay?  
 4 A. Yeah.  
 5 Q. And just to let you know, I am the attorney  
 6 for the Department.  
 7 A. Okay.  
 8 MS. KIM: So, Arbitrator Brown, is  
 9 this witness still under oath?  
 10 THE HEARING OFFICER: Yes.  
 11 MS. KIM: Okay.  
 12 THE HEARING OFFICER: You are reminded  
 13 that you are still under oath.  
 14 Q. Thank you. And Mr. Satchell, you've spoken  
 15 to Mr. Severin at length about this case, correct?  
 16 A. Correct.  
 17 Q. And you mentioned before that you are aware  
 18 of what the charges are in this case?  
 19 A. Correct.  
 20 Q. Okay. To your knowledge, what are they?  
 21 A. I believe it was educational negligence.  
 22 Q. Is that what Mr. Severin told you?  
 23 A. That's--yeah, if I recall.  
 24 Q. And what, if anything else, did he tell you  
 25 about the--

1 SATCHELL - CROSS - KIM

2 MR. MASSENA: Objection, Your Honor.  
3 As the UFT rep there's confidentiality  
4 privileges between the representative and the--  
5 and Dr. Severin.

6 THE HEARING OFFICER: Would you like  
7 to be heard on that, Ms. Kim?

8 MS. KIM: Yes. Calling him as a  
9 witness and as a character witness, I think,  
10 forgoes that confidentiality. Mr. Satchell has  
11 already testified about the fact that he is  
12 aware of the disciplinary charges in this case.  
13 He testified about that on direct so the  
14 Department has a right to ask of him what he  
15 knows and what it is that he was told.

16 MR. MASSENA: He wasn't called as a  
17 character witness, Your Honor, he was called as  
18 a fact witness.

19 THE HEARING OFFICER: Okay, when you  
20 say that the witness should be--the Department  
21 should be entitled to hear the witness'  
22 testimony as to what he was told, you're  
23 speaking specifically about what the respondent  
24 told the witness?

25 MS. KIM: Because that's what the

1 SATCHELL - CROSS - KIM

2 genesis of his knowledge is. He had just  
3 testified that Mr. Severin is the one who told  
4 him what the charges are in this case so I'd  
5 like to know what it is he was told.

6 THE HEARING OFFICER: And do you wish  
7 to address the issue raised by the respondent  
8 concerning a privilege that may or may not  
9 attach to the communications by and between the  
10 respondent and his union representative?

11 MS. KIM: Again, on direct examination  
12 this witness was asked by counsel about was he  
13 aware of the charges and he said yes, so I am  
14 asking on cross examination for leeway to  
15 determine what it is, his knowledge is. He's  
16 already said that Mr. Severin told him so  
17 because the basis of his knowledge is what the  
18 respondent told him, then that privilege is  
19 waived.

20 THE HEARING OFFICER: All right, we're  
21 hearing an argument, Mr. Messena, from the  
22 Department that any privilege that may or may  
23 not exist has been waived through both the  
24 direct testimony and the testimony just now on  
25 cross examination from this witness. Do you

1 SATCHELL - CROSS - KIM

2 wish to address the argument being made by the  
3 Department that any such privilege to the extent  
4 it exists has now been waived by respondent  
5 calling the UFT representative as his witness to  
6 testify in this matter?

7 MR. MASSENA: No, we obviously object  
8 to any further questioning regarding this--  
9 regarding the Department's line of questioning.  
10 He was asked generally was he aware of the--was  
11 he aware of the charges. He said generally he  
12 was; he didn't go into specifics about the  
13 charges. We allowed--we did not object when the  
14 Department of Education asked how did he find  
15 out about the charges; however, any further  
16 inquiry is improper.

17 THE HEARING OFFICER: All right, let's  
18 go off the record for a moment.

19 [OFF THE RECORD, Discussion]

20 [ON THE RECORD, Discussion]

21 THE HEARING OFFICER: All right, so  
22 let's go back on the record. Ms. Kim, do you  
23 have any additional questions?

24 Q. Yes, just going back to your knowledge of  
25 the charges in this case, what, if anything else, are

1 SATCHELL - CROSS - KIM

2 you aware of the charges being in this case?

3 A. I don't remember the exact wording that  
4 they might be but it was something along the lines of  
5 Severin not doing what he was supposed to or--yeah,  
6 that's--I don't remember--I remember before I said  
7 the educational negligence and that's as far as I  
8 know, it's something along those lines.

9 Q. Now you testified previously that you  
10 believe that the meetings that you attended, there  
11 seemed to be hostility on both sides, correct?

12 A. Correct.

13 Q. And you were asked whether--what your  
14 opinion was as to the genesis of the hostility,  
15 correct?

16 A. Correct.

17 Q. And do you recall testifying that you said  
18 it had something to do with Mr. Severin reporting to  
19 SCI that the principal had either asked him to change  
20 a grade or to allow a student more time to take a  
21 test?

22 A. Correct.

23 Q. Okay. Were you aware that there was an  
24 investigation that was undertaken?

25 MR. MASSENA: Objection, Your Honor.

1 SATCHELL - CROSS - KIM  
 2 THE HEARING OFFICER: Overruled.  
 3 A. There was an investigation that was done  
 4 this school year.  
 5 Q. So you're aware there was an investigation.  
 6 A. There was.  
 7 Q. Do you know what the outcome of that  
 8 investigation was?  
 9 MR. MASSENA: Objection, Your Honor.  
 10 THE HEARING OFFICER: Overruled.  
 11 We've been through this before. I'm going to  
 12 hear the testimony.  
 13 Q. You're not aware.  
 14 A. No, I'm not aware of the outcome.  
 15 Q. Were you aware that OSI unsubstantiated Mr.  
 16 Severin's complaint against the principal?  
 17 MR. MASSENA: Objection, Your Honor.  
 18 THE HEARING OFFICER: Hang on.  
 19 There's an objection. I believe the witness  
 20 just testified that he did not know the outcome  
 21 so I'm going to sustain the objection.  
 22 Q. Now in terms of, you said, the hostility,  
 23 the genesis of the hostility was a report that Mr.  
 24 Severin made against the principal, right? And you  
 25 seemed that the hostility, you believed, came from

1 SATCHELL - CROSS - KIM  
 2 his reporting of principal, correct?  
 3 A. Correct.  
 4 Q. But you're just guessing that to be the  
 5 case?  
 6 MR. MASSENA: Objection, Your Honor.  
 7 THE HEARING OFFICER: No, overruled.  
 8 That's a proper question. Your answer?  
 9 A. I'm assuming, again, and it's based off the  
 10 statement the principal made during--  
 11 Q. So it's yes or a no. You're guessing that  
 12 to be the case, correct?  
 13 A. Yes.  
 14 Q. Okay. You never spoke with the principal.  
 15 The principal never came up to you and said this is  
 16 why there's hostility between me and Mr. Severin,  
 17 correct?  
 18 A. Correct.  
 19 Q. Okay. Now at the pre year faculty meeting  
 20 you testified that the principal made a statement,  
 21 correct?  
 22 A. Correct.  
 23 Q. But when he made that statement he never  
 24 named anyone, correct?  
 25 A. Correct.

1 SATCHELL - CROSS - KIM  
 2 Q. And you're testifying to the fact that  
 3 you're guessing that he was talking about Mr.  
 4 Severin, that's all that is, you're just guessing,  
 5 correct?  
 6 MR. MASSENA: Objection as to  
 7 characterization, Your Honor, of the witness'  
 8 testimony.  
 9 THE HEARING OFFICER: Well I'm going  
 10 to sustain the objection as to form and allow  
 11 you to rephrase, counsel.  
 12 Q. Okay, so just going back, at that meeting,  
 13 with the statement that he made he never said or  
 14 alluded to who he was referring to, correct.  
 15 A. Correct.  
 16 Q. And you were just guessing that the  
 17 principal was talking about Mr. Severin, correct?  
 18 A. His wording--  
 19 Q. [Interposing] It's yes or no.  
 20 MR. MASSENA: Objection, Your Honor.  
 21 He's trying to answer the question. .  
 22 MS. KIM: It's a yes or no question. .  
 23 THE HEARING OFFICER: I think it is a  
 24 yes or no question. Overruled. You can answer.  
 25 I'm sorry, I had interrupted. I just want to

1 SATCHELL - CROSS - KIM  
 2 make sure the answer was recorded. If you could  
 3 restate your answer. .  
 4 A. My answer was yes.  
 5 THE HEARING OFFICER: Thank you.  
 6 Q. And you mentioned that there was a time  
 7 period this school year where you attended a number  
 8 of disciplinary conferences on behalf of Mr. Severin,  
 9 correct?  
 10 A. Correct.  
 11 Q. And you said that that time frame was what  
 12 time frame?  
 13 A. Well they started, I believe, late  
 14 September or early October, and then through the time  
 15 Dr. Severin was removed from the school.  
 16 Q. And when was he removed?  
 17 A. I believe it was the middle of March.  
 18 Q. And what was that number that you said that  
 19 you attended? The number of meetings?  
 20 A. Well the number I said was between December  
 21 and May overall was about forty-three for the school.  
 22 Q. Okay. How did you come up with that  
 23 number, forty-three?  
 24 A. I counted off of my notes.  
 25 Q. Okay, the notes that you said are locked up

1 SATCHELL - CROSS - KIM  
 2 at the school?  
 3 A. No, the notes that are locked up in the  
 4 school go back from prior to December--  
 5 Q. Okay, so--  
 6 A. --and the notes that I have at home are  
 7 from December 10th to current.  
 8 Q. Okay, but you didn't bring those notes with  
 9 you today, correct?  
 10 A. No.  
 11 MS. KIM: Arbitrator Brown, I'd ask  
 12 that this witness produce those notes. .  
 13 THE HEARING OFFICER: That request has  
 14 to be directed to counsel for respondent.  
 15 You're asking for discovery demand. I would ask  
 16 that you direct that to respondent. .  
 17 MS. KIM: Yes, I'm asking you,  
 18 Arbitrator Brown, that you direct Mr. Massena to  
 19 have his witness, Mr. Satchell, turn over notes  
 20 that he has testified about with respect to  
 21 disciplinary meetings. .  
 22 THE HEARING OFFICER: Tell me the  
 23 respondent's position. .  
 24 MR. MASSENA: I don't have the notes;  
 25 I haven't seen the notes. I'm hearing about the

1 SATCHELL - CROSS - KIM  
 2 notes actually for the first time so I will get  
 3 those notes. I will attempt to get those notes  
 4 and provide them forthwith. .  
 5 THE HEARING OFFICER: Very good. .  
 6 MS. KIM: Thank you. .  
 7 Q. Now, Mr. Satchell, how long have you been  
 8 the UFT chapter chair?  
 9 A. A little over a year.  
 10 Q. Prior to that did you hold any other  
 11 position with the UFT?  
 12 A. No.  
 13 Q. So you--prior to that you were not just a  
 14 union representative, you just became a chapter  
 15 chair?  
 16 A. Correct. I was -- [00:01].  
 17 Q. Okay, and have you been a UFT leader or rep  
 18 at any other school?  
 19 A. No.  
 20 Q. Now as a UFT chapter chair, it's your job  
 21 to protect the union members, correct?  
 22 A. Correct.  
 23 Q. And it is your job to look out for their  
 24 best interests, correct?  
 25 A. Correct.

1 SATCHELL - CROSS - KIM  
 2 Q. Now as a UFT chapter chair you're aware  
 3 that when an administrator gives a directive to a  
 4 staff member they have to follow it, correct?  
 5 A. Correct.  
 6 Q. And even if it violates the contract, the  
 7 staff member has to follow it and then file a  
 8 grievance at a later point, correct?  
 9 A. Correct.  
 10 Q. And with respect to filing a grievance,  
 11 that is a fundamental right that all teachers have,  
 12 correct?  
 13 A. Correct.  
 14 Q. And with respect to filing a grievance, in  
 15 this case, did you ever file a grievance on behalf of  
 16 Mr. Severin?  
 17 A. No.  
 18 Q. Okay. And did you, on your own accord,  
 19 file a grievance for anything that you may have  
 20 witnessed in the forty-three or so disciplinary  
 21 meetings that you attended on his behalf?  
 22 A. Not the ones on behalf of Dr. Severin.  
 23 Q. Okay, so the answer is no.  
 24 A. No.  
 25 Q. Now Mr. Satchell, as a UFT chapter chair,

1 SATCHELL - CROSS - KIM  
 2 are you aware that staff members can file special  
 3 complaints against administrators?  
 4 A. Correct.  
 5 Q. And those special complaints, they are  
 6 investigated by a joint team of DOE and union  
 7 members, correct?  
 8 A. Yes.  
 9 Q. And with these special complaints, any  
 10 outcomes, in terms of what the investigation  
 11 uncovers, any outcome has to be agreed upon by both  
 12 of the UFT and the DOE, correct?  
 13 A. Correct.  
 14 Q. Okay.  
 15 MR. MASSENA: Objection, Your Honor.  
 16 Relevance. .  
 17 THE HEARING OFFICER: Overruled. .  
 18 Q. Now with respect to Mr. Severin, were you  
 19 aware that he filed a special complaint against the  
 20 principal back on June 16th, 2016?  
 21 A. No, I'm not aware of that.  
 22 Q. Okay. Did Mr. Severin not tell you that  
 23 he--?  
 24 MR. MASSENA: [Interposing] Objection,  
 25 Your Honor. .



1 SATCHELL - CROSS - KIM  
 2 MS. KIM: But I--.  
 3 THE HEARING OFFICER: Hang on one  
 4 second. There is an objection. I--you're  
 5 raising on the grounds of privilege?  
 6 MR. MASSENA: Yes.  
 7 THE HEARING OFFICER: Yeah, I'm going  
 8 to overrule the objection for this limited  
 9 question as to whether or not the respondent  
 10 communicated to this witness as to whether or  
 11 not he filed a special complaint.  
 12 A. I was unaware of it.  
 13 Q. Okay. And because you were not aware of a  
 14 special complaint that Mr. Severin filed against the  
 15 principal, it would be fair to say that you were also  
 16 not aware of what the outcome of that special  
 17 complaint was, correct?  
 18 MR. MASSENA: Objection.  
 19 THE HEARING OFFICER: Overruled.  
 20 A. Correct.  
 21 Q. Mr. Satchell, for the approximately forty-  
 22 three or so disciplinary meetings that you attended  
 23 on behalf of Mr. Severin, did you know what the  
 24 outcome was for all forty-three of those meetings?  
 25 A. No.

1 SATCHELL - CROSS - KIM  
 2 Q. Okay. Of those forty-three meetings, do  
 3 you remember who conducted those meetings?  
 4 A. Yeah, it was either the principal, the  
 5 principal and the AP, Ms. Barnett, or, I believe, on  
 6 occasion, Ms. Barnett could have held some alone. I  
 7 know that she's done that before. I don't remember if  
 8 they were for Dr. Severin or a different member.  
 9 Q. For any of the forty-three meetings for  
 10 which you were the UFT representative, do you recall  
 11 if the superintendent was present for any of them?  
 12 A. He was not present for any disciplinary  
 13 meetings. We did meet with him once though.  
 14 Q. But it was not for a disciplinary meeting?  
 15 A. It was not for a disciplinary meeting.  
 16 Q. So just to be clear, for the forty-three or  
 17 so you attended, it's your recollection that the  
 18 superintendent was not present for any of those?  
 19 A. He was not present for any of them.  
 20 Q. What is the superintendent's name?  
 21 A. Michael Prayor.  
 22 Q. Prayor?  
 23 A. Yeah, P-R-A-Y-O-R.  
 24 MS. KIM: I just need a couple of more  
 25 minutes.

1 SATCHELL - CROSS - KIM  
 2 THE HEARING OFFICER: Sure. Let's go  
 3 off the record.  
 4 [OFF THE RECORD, Discussion]  
 5 [ON THE RECORD, Discussion]  
 6 THE HEARING OFFICER: Any additional  
 7 questions?  
 8 MS. KIM: No.  
 9 THE HEARING OFFICER: All right, any  
 10 re-direct?  
 11 MR. MASSENA: Brief re-direct, Your  
 12 Honor.  
 13 RE-DIRECT EXAMINATION  
 14 BY MR. ALAIN MASSENA:  
 15 Q. You stated on cross, Mr. Satchell, that the  
 16 superintendent was not present for any of the  
 17 disciplinary meetings.  
 18 A. Correct.  
 19 Q. However, you also stated that he was  
 20 present at a meeting that you attended.  
 21 A. Correct.  
 22 Q. And who else was present at that meeting?  
 23 A. Myself, Dr. Severin, James Duncan, who is  
 24 the District rep for the union, Michael Prayor, the  
 25 principal, Mr. Dorcely, and also one person who works

1 SATCHELL - RE-DIRECT - MASSENA  
 2 for Mr. Prayor, his name is Mr. Moses.  
 3 Q. And what was that meeting about?  
 4 A. That meeting was about setting up what the  
 5 union was calling a cooling-off period where both  
 6 sides had agreed to, I guess, kind of stay away from  
 7 each other while they found a new school to transfer  
 8 Dr. Severin to so that they wouldn't be this clashing  
 9 anymore inside the school building.  
 10 Q. And why was this cooling off period  
 11 necessary?  
 12 A. It was necessary because both sides seem to  
 13 be, again, hostile and it just wasn't a good fit at  
 14 the very least and they felt that it was in the best  
 15 interest to separate them and have them in different  
 16 places and it would be better that way.  
 17 Q. You also stated that, during your direct,  
 18 that you were guessing that the statement that  
 19 Principal Dorcely made was directed toward--I'm  
 20 sorry, yeah, that Principal Dorcely made was directed  
 21 toward Dr. Severin. Is that what you said?  
 22 A. I said that I was--  
 23 MS. KIM: [Interposing] Objection. .  
 24 THE HEARING OFFICER: Hang on, hang  
 25 on. There's an objection. Yes?

1 SATCHELL - RE-DIRECT - MASSENA  
 2 MS. KIM: It's a yes or no question. .  
 3 THE HEARING OFFICER: And the question  
 4 you're asking him is did he say it?  
 5 MR. MASSENA: Yeah.  
 6 THE HEARING OFFICER: Well, I think  
 7 the testimony reflects that that's what he said.  
 8 Q. How would you describe that guess?  
 9 MS. KIM: Objection. Asked and  
 10 answered.  
 11 MR. MASSENA: I'm asking him to  
 12 describe the guess. I don't think that was  
 13 asked or answered.  
 14 MS. KIM: He's already testified at  
 15 length about why it is he guessed.  
 16 MR. MASSENA: And -- [00:01] on  
 17 redirect.  
 18 THE HEARING OFFICER: Yeah. I'm  
 19 overruling the objection and allowing counsel to  
 20 inquire.  
 21 A. As mentioned, Principal Dorcely said you  
 22 had tried to bring me down and to my knowledge, the  
 23 only person who had even filed anything against  
 24 Principal Dorcely was Dr. Severin so the way he was  
 25 addressing it definitely made it seem that he was

1 SATCHELL - RE-DIRECT - MASSENA  
 2 addressing to Dr. Severin but, no, he did not mention  
 3 his name.  
 4 MR. MASSENA: No further questions.  
 5 THE HEARING OFFICER: Any additional  
 6 questions from the Department?  
 7 MS. KIM: Just a couple.  
 8 RE-CROSS EXAMINATION  
 9 BY MS. DANA KIM  
 10 Q. Just going back to that meeting you talked  
 11 about where the superintendent was present, you  
 12 mentioned that it was a meeting set up for both sides  
 13 to talk about some kind of cooling off period,  
 14 correct?  
 15 A. Correct.  
 16 Q. Just to be clear, you said Superintendent  
 17 Prayor was present?  
 18 A. Yes.  
 19 Q. The principal?  
 20 A. Yes.  
 21 Q. Mr. Severin?  
 22 A. Yes.  
 23 Q. And then James Duncan?  
 24 A. Yes.  
 25 Q. I'm sorry, who is Mr. Duncan?

1 SATCHELL - RE-CROSS - KIM  
 2 A. Mr. Duncan is the Brooklyn UFT District  
 3 representative.  
 4 Q. You were present as well?  
 5 A. Yes.  
 6 Q. Was there anyone else, other than the  
 7 individuals--?  
 8 A. [Interposing] Yes.  
 9 Q. Who?  
 10 A. Mr. Moses.  
 11 Q. Who was Mr. Moses?  
 12 A. I believe he's a deputy for the  
 13 superintendent. I don't know his exact title.  
 14 Q. Now at this meeting isn't it true that  
 15 Superintendent Prayor reprimanded Mr. Severin for  
 16 being overly hostile and inappropriate?  
 17 A. I don't remember that.  
 18 MS. KIM: Okay. I have nothing  
 19 further.  
 20 THE HEARING OFFICER: Anything  
 21 additional from the respondent?  
 22 MR. MASSENA: No, nothing further.  
 23 THE HEARING OFFICER: All right, that  
 24 means you're excused as a witness. I thank you  
 25 very much for your participation. Let us go off

1 SATCHELL - RE-CROSS - KIM  
 2 the record.  
 3 MR. MASSENA: I'll walk Mr. Satchell  
 4 out.  
 5 THE HEARING OFFICER: Sure. Why don't  
 6 you walk the witness out?  
 7 [OFF THE RECORD, Walk witness out]  
 8 [ON THE RECORD, Walk witness out]  
 9 THE HEARING OFFICER: All right, so  
 10 let's go on the record. All right, at this time  
 11 it's my understanding that the respondent is  
 12 going to continue his direct examination. Is  
 13 that correct, Mr. Massena?  
 14 MR. MASSENA: Yes.  
 15 THE HEARING OFFICER: All right. Dr.  
 16 Severin, I just want to remind you that you are  
 17 still under oath.  
 18 DR. SEVERIN: Yes sir.  
 19 THE HEARING OFFICER: Mr. Massena,  
 20 your witness.  
 21 DIRECT EXAMINATION  
 22 BY MR. ALAIN MASSENA  
 23 Q. Dr. Severin, I believe where we left off  
 24 was your testimony, you had just finished describing  
 25 an incident between you and Principal Dorcely in

1 SEVERIN - DIRECT - MASSENA  
 2 August of 2014, is that correct?  
 3 A. Yes sir.  
 4 Q. Okay, was it August of 2014?  
 5 A. Yes sir.  
 6 Q. Okay, and very briefly, could you just  
 7 describe that incident?  
 8 A. Basically I was in a meeting with some  
 9 colleagues in preparation for this upcoming school  
 10 year. Principal Dorcely came to the room, asked me  
 11 to come with him. As I step out of the room we  
 12 started walking. He produced a paper and asked me to  
 13 look at this student's Regents score and see if the  
 14 child had received all her credits. And we walked  
 15 into the main office, the office adjacent to the main  
 16 office, and I looked at the paper and I saw that the  
 17 students had received full credit. I informed  
 18 Principal Dorcely that she received full credit,  
 19 nothing was missing, and he proceeded to ask me where  
 20 did the student go wrong. I look at the essay, I see  
 21 her essay, she did not write enough, her grade is  
 22 fair.  
 23 Q. Just one moment. You can briefly, but you  
 24 can slow down a little bit as well.  
 25 THE HEARING OFFICER: That would be

1 SEVERIN - DIRECT - MASSENA  
 2 disproven.  
 3 THE HEARING OFFICER: We went over this  
 4 in some detail when a similar objection was  
 5 raised by the Department's attorney, Mr.  
 6 Frances, at the last hearing, and I'll just, in  
 7 a nutshell, try to encapsulate my ruling on  
 8 this. I do consider the testimony to be  
 9 relevant. I think what's relevant, given the  
 10 respondent's defense, in part of retaliatory  
 11 animus is the complaint that the respondent  
 12 made; not necessarily the outcome of that  
 13 complaint. And on that basis, I overruled the  
 14 Department's earlier objection, which was very  
 15 similar to the one you raise now, Ms. Kim, and  
 16 my ruling stands. Mr. Massena, you can  
 17 continue. Did you want to be heard further, Ms.  
 18 Kim?  
 19 MS. KIM: No, I apologize for being  
 20 redundant.  
 21 THE HEARING OFFICER: That's okay.  
 22 MR. MASSENA: And I'm about to be  
 23 redundant as well, Your Honor, that this  
 24 actually, again, goes to the crux of our  
 25 objection as to--and, again, not to upset the

1 SEVERIN - DIRECT - MASSENA  
 2 helpful.  
 3 A. Sorry.  
 4 THE HEARING OFFICER: Let's just go  
 5 off the record for a quick moment.  
 6 [OFF THE RECORD, Break]  
 7 [ON THE RECORD, Break]  
 8 THE HEARING OFFICER: On the record.  
 9 MS. KIM: Actually--  
 10 THE HEARING OFFICER: Do you want to  
 11 go off the record?  
 12 MS. KIM: No, no, no. That's fine.  
 13 Are we back on?  
 14 THE HEARING OFFICER: We're on.  
 15 MS. KIM: Okay. I did want to raise  
 16 an objection though. If my understanding is  
 17 correct, Mr. Severin is testifying about the  
 18 complaint that he made to SCI regarding  
 19 Principal Dorcely allegedly asking him to change  
 20 a grade or something of that nature, but I think  
 21 there's already been testimony elicited that  
 22 that case was unsubstantiated so I don't see how  
 23 this is relevant and how it would be helpful to  
 24 you as a finder of fact to determine whether or  
 25 not the charges here are either proven or

1 SEVERIN - DIRECT - MASSENA  
 2 court, but goes to the crux of our objection as  
 3 to why Department 30 should not be in evidence  
 4 because, again, it's clear that the Department  
 5 wants this to stand for the principle that these  
 6 allegations did not occur when which really is  
 7 the crux--which is not the crux of this case in  
 8 terms of what took place.  
 9 THE HEARING OFFICER: I thought I had  
 10 also addressed this issue raised by respondent  
 11 at the last hearing. While I think, with regard  
 12 to a claim of retaliation, what is most relevant  
 13 is whether or not a complaint was made by the  
 14 respondent, and we've heard some testimony about  
 15 that already. I do think it is within the right  
 16 of the Department; I'm certainly not going to  
 17 preclude the Department from arguing that the  
 18 complaint made with the respondent was, for  
 19 example, frivolous. I don't know how much  
 20 weight I will attach to that argument if the  
 21 Department chooses to make that argument, but  
 22 the Department is certainly well within its  
 23 right to make that argument in response to the  
 24 respondent's defense and on that basis I  
 25 ultimately did allow the decision to be entered

SEVERIN - DIRECT - MASSENA

into the record as Department Exhibit 30.

Q. Thank you, Your Honor. If you could continue, Dr. Severin.

A. Yes, so having looked, reviewed the paper, I informed Principal Dorcely that the essay was fair, the student, Student A, received a fair grade for that and the only area where she needed to have provided more information was on the DVQ. And in it, two or three of the questions, she did not receive any credit because she failed to write them out. And at that time Student A was in the room, Principal Dorcely pulled out a pen from--a pencil, I'm sorry, from his jacket pocket, gave it to the student, and the student began to write. As she began to write I recall with a gesture, a physical gesture, and Principal Dorcely decided to change his mind, letting the student know, "Hey, don't worry about it, that's where we will prepare you and you will come back in January and take the exam again."

Q. Okay, so what happened next?

A. What happened next? Well Principal Dorcely went and spoke with mom, with Student A's mother, and informed her that she is going to be coming in and take the exam in January. At that time mom said,

SEVERIN - DIRECT - MASSENA

one thing that I noticed, suddenly my rating regarding my observation, Mr. Dorcely constantly talked about how I did not know my content. I was ineffective in my content. At first I didn't say anything to him, I didn't really put much weight into it. I believed that in due time everything would be corrected. Then on December 22nd--

Q. [Interposing] And when you say December 22nd, you're referring to December 22nd of?

A. 2014. On December 22nd, 2014 I had assigned a student a term paper in social studies, my 9th grade and my 10th grade, and that term paper was also submitted to Principal Dorcely and Ms. Barnett, AP Barnett, informing them that this is the term paper for the first semester of the school year, and I would be conducting a workshop, a writing workshop with my students, teaching them how to put together the five to seven pages. And at that time I conducted the writing workshop in the morning for my earlier period and around 7th or 8th period, the last period of the day Principal Dorcely and Ms. Barnett walked in. When they walked in they observed the lesson, the students were taking notes, they were following my instruction, directives, etc., and

SEVERIN - DIRECT - MASSENA

"Well, what is she going to do during the time?" and Principal Dorcely said we can give her--we can have her work at the school, and she ended up becoming one of the students who worked at the school. I don't know her capacity, as far as work, whether it was volunteer or paid or what have you, but she was part of the students that work at the school at the time. Now following this the school year began. There were several promises that were made.

Q. What were those promises?

A. For example, I was supposed to help other teachers, prepare other teachers to teach their students how to write.

Q. And who made these promises?

A. In conversation with Mr. Dorcely earlier when I came in the school, I subbed during the July time period, substitute. We had several plans, including having a mentorship, young male empowerment, mentorship program, having a soccer program, etc. And these suddenly never materialized. But I never really put much weight into that; I believed that--I believed Mr. Dorcely said that the money was not available for the procession for me to do these things so I took him at his word. However,

SEVERIN - DIRECT - MASSENA

lesson concluded. On January 5th when we returned, I had a first period. I taught the first period and second period was my prep. I was called into Principal Dorcely's office, I attended that meeting 2nd period. Principal Dorcely decided to inform me that the lesson was very ineffective and he gave me ineffective all throughout. And I shared with him that--I gave him the term paper in advance, I informed him I would be conducting the workshop, and this is precisely what I did. Principal Dorcely determined that no, this wasn't effective, it did not have any objective, but nonetheless, I didn't say anything except to show Principal Dorcely that about twelve to thirteen of the students had turned in that paper already that he said was ineffective. And I think, if I'm not mistaken, the exact date on January 10th, I sent Principal Dorcely an email expressing my grief how debilitating that ineffective was to me since I knew what I was doing was in the best interest of the student.

Q. How so?

A. Many of the children were unable to write which was one of the main concerns that I expressed to Principal Dorcely. I informed him that many of

1 SEVERIN - DIRECT - MASSENA  
 2 the children all throughout the different school,  
 3 they're unable to express themselves in writing and  
 4 this is one of the items that I was able to get the  
 5 students to correct and therefore be able to do well.  
 6 And I stared seeing evidence of that with the first  
 7 ten to twelve, thirteen students who turned in their  
 8 paper. So I complained to Principal Dorcely, let him  
 9 know how it was demoralizing. I penned an email and  
 10 I sent it to him and Principal Dorcely never  
 11 commented. It was not until February 12th when I was  
 12 called in for a disciplinary meeting and Charlie  
 13 Turner was there at that disciplinary meeting to  
 14 represent me. At that disciplinary meeting Principal  
 15 Dorcely proceeded to accuse me of an enormous amount  
 16 of allegation that totally was surprising.  
 17 Surprising was the least thing I could say, but it  
 18 was--basically he was short of calling me the worst  
 19 of the worst. He even accused me of having gang  
 20 affiliation, for what reason, I don't know. He  
 21 accused me of--  
 22 Q. [Interposing] Do you have any gang  
 23 affiliation?  
 24 A. No sir.  
 25 Q. Okay. Where were these allegations coming

1 SEVERIN - DIRECT - MASSENA  
 2 depressed when I heard all of these allegations about  
 3 me that I never knew about. At that time, it was a  
 4 day--it was on a Thursday, I remember correctly,  
 5 clearly, because on the next day was Friday the 13th  
 6 and that was the day before we went on winter recess.  
 7 I didn't go in to school that day; I was extremely  
 8 depressed. That whole week we had off from school I  
 9 was in a deep depression where basically I didn't  
 10 even leave my house, then I went back to school the  
 11 following.  
 12 Q. So when you got back to school what  
 13 happened next?  
 14 A. When I got back to school--  
 15 Q. [Interposing] And this is in February of  
 16 2015, correct?  
 17 A. Yes. February of 2015 Principal Dorcely  
 18 had--I had a scheduled meeting with Principal Dorcely  
 19 regarding support session. I attended the support  
 20 session, I improved my lesson planning as Principal  
 21 Dorcely wanted me to. And somewhere toward May or  
 22 April these post-observations of myself was  
 23 completely effective and highly effective. Those  
 24 highly effective lesson plans one day just turned  
 25 ineffective again. So when I contacted one of my

1 SEVERIN - DIRECT - MASSENA  
 2 from?  
 3 A. I have absolutely no ideas. Principal  
 4 Dorcely went on to call me a liar, a deceitful  
 5 person, a thief regarding some passing, some--  
 6 Q. [Interposing] And what happened next during  
 7 the meeting?  
 8 A. At that meeting Principal Dorcely tried to  
 9 insinuate there was some OSI investigation that he  
 10 was conducting against me but nothing was purposed  
 11 from that. He informed Charlie Turner that I stole a  
 12 pass--parking permit, sorry, I was a liar for that  
 13 purpose, whereas he withheld one of the passes and I  
 14 confronted of him--I confronted him on that pass  
 15 because at that time I was also the chapter leader  
 16 for the school prior to Mr. Satchell becoming chapter  
 17 leader. And as chapter leader I was responsible to  
 18 distribute those passes and Principal Dorcely wanted  
 19 to keep one of those passes for Ms. Barnett. In  
 20 discussion with him he informed me that was for Ms.  
 21 Barnett, but nonetheless, at that time he alleged  
 22 that I was deceitful, my colleagues did not trust me,  
 23 I was not a fit at the school.  
 24 Q. So how did this meeting come to an end?  
 25 A. At the end of the meeting I was extremely

1 SEVERIN - DIRECT - MASSENA  
 2 friends trying to find out what's going on, my friend  
 3 said to me, "What could you have done to this man?"  
 4 This is clearly personal." I said, "I don't know  
 5 what I did except two things. He wanted to keep a  
 6 parking permit, I said no, he doesn't have the right  
 7 to. And when he tried to ask me to change this  
 8 student's grade, that's the only thing that I know I  
 9 kind of said no to him about." And he said, "What do  
 10 you mean?" I said, well--I explained the earlier  
 11 situation with Student A and he said, "Did you report  
 12 it?" I said, "No, I didn't think he changed--I mean,  
 13 the grade was not changed, I didn't think I had to."  
 14 He said, "Well this is something you still have to  
 15 report." And I said, "Okay."  
 16 Q. Did you know at the time you were to report  
 17 that?  
 18 A. Well, no, I didn't think of it because  
 19 there was nothing changed. So once Mr. Mann, Gene  
 20 Mann, who was the person that I was talking to,  
 21 informed me that I'm supposed to be reported, right  
 22 away I hung up the phone, I called OSI initially.  
 23 OSI heard my issue and they said that this is  
 24 something that ought to be addressed to Special  
 25 Commission of Investigation. And I called SCI in May

1 SEVERIN - DIRECT - MASSENA  
 2 and filed my complaint. As a matter of fact, my  
 3 complaint was not even a complaint; it was pretty  
 4 much asking SCI if there is an issue there. And then  
 5 SCI took the complaint and later on SCI, I'm  
 6 assuming, sent it to OSI, which was there was an  
 7 email sent to me informing me that there was sent to  
 8 OSI for their investigation. So while I was offsite  
 9 grading, I received an email, some message, I don't  
 10 remember what nature or what method was used, to  
 11 inform me that I had to report to my home school,  
 12 Urban Action Academy, regarding an OSI investigation.  
 13 And at that time, after I was done with my session--  
 14 no, I think I left earlier and went back to my  
 15 school, met with the OSI investigators, and was  
 16 interviewed. I was informed Principal Dorcely would  
 17 be interviewed as well, as well as Student A.  
 18 Q. Do you remember what date that was?  
 19 A. The exact date, no, but I--  
 20 Q. [Interposing] What month and year?  
 21 A. I know it was June 2015 because I was  
 22 grading Regents at that time. I was assigned to  
 23 grade Regents exam and it must have been somewhere  
 24 around June--between June 16th and June 23rd,  
 25 somewhere around that time.

1 SEVERIN - DIRECT - MASSENA  
 2 THE HEARING OFFICER: Was it SCI or  
 3 OSI?  
 4 A. Both.  
 5 THE HEARING OFFICER: Thank you.  
 6 A. Yes.  
 7 Q. So after you were interviewed, what  
 8 happened next?  
 9 A. I presume--  
 10 Q. [Interposing] Well don't presume. After  
 11 you were interviewed, what happened next?  
 12 A. What happened? As I said, I was informed  
 13 OSI said there would be an interview with Principal  
 14 Dorcely and Student A, and after that I received  
 15 notification that I would be disciplined by Principal  
 16 Dorcely regarding failing to submit grades, but yet  
 17 the grades were submitted on time. For example, on  
 18 June 17th I submitted my grade to Assistant Principal  
 19 Barnett and those grades were never reviewed by  
 20 Principal Barnett. And on June 23rd, I'm assuming  
 21 when she first saw those grades--  
 22 MS. KIM: [Interposing] Objection.  
 23 THE HEARING OFFICER: Sustained.  
 24 A. On June 23rd when she saw the email I sent  
 25 her--

1 SEVERIN - DIRECT - MASSENA  
 2 MS. KIM: Objection.  
 3 THE HEARING OFFICER: Were you present  
 4 with the Assistant Principal when she reviewed  
 5 your email? It's a yes or--  
 6 DR. SEVERIN: No, no.  
 7 THE HEARING OFFICER: Okay, so I think  
 8 the nature of the objection is don't speculate,  
 9 don't assume.  
 10 DR. SEVERIN: Yes sir. Yes.  
 11 THE HEARING OFFICER: Mr. Massena, do  
 12 you want to continue?  
 13 Q. Yes. So you stated that--you stated that  
 14 on June 23rd you--on June 23rd you were notified of  
 15 something on June 23rd?  
 16 A. Yes. On June 23rd--  
 17 Q. [Interposing] What were you notified of?  
 18 A. On June 23rd Ms. Barnett sent me an email  
 19 requesting the grades from me and I sent her an email  
 20 in regards saying I submitted the grade on June 17th.  
 21 And at that time she informed me that the email that  
 22 I sent to her was without an attachment or the wrong  
 23 attachment, one of the two. And immediately I looked  
 24 and I submitted the information to her again.  
 25 Perhaps it was a human error, perhaps whatever the

1 SEVERIN - DIRECT - MASSENA  
 2 situation was, the right file was not sent to Ms.  
 3 Barnett, but yet I received a disciplinary letter.  
 4 But all their -- [00:01] that was requested of me was  
 5 submitted to Ms. Barnett on time. Following that,  
 6 the school year came to an end, I received effective  
 7 as my overall rating by the time we come back in  
 8 September.  
 9 Q. So I'd like to take you to September of  
 10 2015. What takes place in September 2015?  
 11 A. September 2015, on September 8th, to be  
 12 precise, teachers were asked to report to work and  
 13 report to Room 111, which is the room where all the  
 14 teachers gather. And at that meeting Principal  
 15 Dorcely began to talk about expectation, etc., etc.,  
 16 and at that time he also made the comment that, "You  
 17 had me investigated. I'm stronger than ever. I'm  
 18 going to go into beast mode and I'm going to ride  
 19 you," while he's directly looking at me. He did not  
 20 mention me by name but he was clearly looking at me  
 21 while he was making that comment. I didn't respond  
 22 to that; I simply took it to mean that I have to do  
 23 my work. So September 9th, the first day of school,  
 24 Principal Dorcely visited my class--  
 25 THE HEARING OFFICER: [Interposing]

1 SEVERIN - DIRECT - MASSENA  
 2 Before we get to September 9th, you said  
 3 something mode.  
 4 DR. SEVERIN: Beast mode.  
 5 THE HEARING OFFICER: Beast?  
 6 DR. SEVERIN: Yes.  
 7 THE HEARING OFFICER: Thank you.  
 8 Q. September 9th?  
 9 A. September 9th he visited my classroom,  
 10 walked through, no nothing, no problem.  
 11 Q. [Interposing] And I'm going to ask you just  
 12 to keep your voice up.  
 13 A. September 10th he visited my class again.  
 14 On September 11th Principal Dorcely visited my class.  
 15 At that time my co-teacher had--Ms. Fagan, who I co-  
 16 taught with--  
 17 Q. [Interposing] Are you referring to  
 18 September 10th or September 11th, I'm sorry?  
 19 A. September 11th.  
 20 Q. Okay.  
 21 A. Ms. Fagan came to me informing me that she  
 22 and the other social study teachers were planning on  
 23 doing something to commemorate the event of September  
 24 11th. I informed Ms. Fagan that this is the first  
 25 topic in the social studies scope and sequence was

1 SEVERIN - DIRECT - MASSENA  
 2 recommendation, and I agreed, I basically took my  
 3 principal's directives and I followed it. So when  
 4 Principal Dorcely walked in, in addition with Ms.  
 5 Barnett and Dr. Howell, Principal Dorcely--  
 6 Q. [Interposing] Could you spell Dr. Owl?  
 7 A. Howell--  
 8 Q. Oh, Howell.  
 9 A. Yeah, H-O-W-E-L-L. When they walked in I  
 10 was standing in front of the room by the projector,  
 11 SMART Board, and Ms. Fagan was standing to the--  
 12 toward the window and there was a short video clip  
 13 showing. Principal Dorcely came in, he asked me for  
 14 the lesson plan--no, he asked me to step outside.  
 15 When he asked me to step outside he asked me for the  
 16 lesson plan. I walked back inside the room, I took  
 17 the lesson plan that I had on the scientific  
 18 revolution and I explained to him, I said, "Mr.  
 19 Dorcely, this is the lesson that I have. According  
 20 to the scope and sequence this is the first item  
 21 covered in Global 3; however, Ms. Fagan asked me to  
 22 do this September 11th to commemorate September 11th.  
 23 And per your mandate, I'm basically following the  
 24 collaborative team teaching approach that you want."  
 25 He said "This is unacceptable." I said, "Sir, this

1 SEVERIN - DIRECT - MASSENA  
 2 the scientific revolution. But being that Mr.  
 3 Dorcely had informed me that I should not monopolize  
 4 the class, I should cooperate, I said, "Okay."  
 5 Q. [Interposing] What do you mean by that, Dr.  
 6 Severin?  
 7 A. In the previous school year Principal  
 8 Dorcely did mention how it's important that we  
 9 collaborate.  
 10 Q. When you say we, what are you referring to?  
 11 A. Myself, my co-teachers. This is a  
 12 togetherness type of environment where it's not one  
 13 teacher leading while the other one is just observing  
 14 or being an unofficial substitute, so to speak, or  
 15 aid, and I've got time. When Ms. Fagan made the  
 16 request I said sure, no problem. But I had my lesson  
 17 plan regarding the scientific revolution.  
 18 Q. Now let me ask you a question about this.  
 19 Was this directive something that was directed  
 20 towards you or all of the teachers in terms of how to  
 21 work with the co-teachers?  
 22 A. It was all of us, the collaborative team  
 23 teaching, it's a model that in an ICT setting,  
 24 everyone is able to make recommendation to make  
 25 suggestions. So when Ms. Fagan made the

1 SEVERIN - DIRECT - MASSENA  
 2 is my lesson plan right here. Ms. Fagan is basically  
 3 the one conducting this lesson." He decided, I don't  
 4 want to hear it. He walked away. Ms. Barnett, Dr.  
 5 Howell, they left and Mr. Dorcely, they left the  
 6 class. I was called in for disciplinary meeting; not  
 7 necessarily a post-observation, disciplinary meeting,  
 8 and I was informed that I had no agenda on the board,  
 9 I had no lesson plan. And I informed Principal  
 10 Dorcely, I said, "Mr. Dorcely, here's my lesson plan  
 11 for that particular day. Ms. Fagan was conducting  
 12 the September 11th lesson and it was at the very last  
 13 minute when she came in, she brought this idea to me,  
 14 but I was already prepared to conduct my own  
 15 instruction following the curriculum guideline. In  
 16 addition, there was an agenda on the board. We have  
 17 two sets of board; there's one board in front where  
 18 the projector was, and there's one in the back. The  
 19 one in the back, that's where the agenda was written.  
 20 The agenda is written with the do now, how long it's  
 21 supposed to take, the mini-lesson, how long it's  
 22 supposed to take, the independent practice, the  
 23 shared, the homework, etc. Everything is clearly  
 24 delineated on that board; however, Principal Dorcely  
 25 felt that he didn't see it on the board up front and

1 SEVERIN - DIRECT - MASSENA  
 2 he decided that he would write this letter, in that  
 3 letter, letting me know that I didn't have my lesson  
 4 plan and I didn't have an agenda on the board, which  
 5 was totally inaccurate.  
 6 Q. Okay, Dr. Severin, I'd like to just go off  
 7 the record for a moment.  
 8 THE HEARING OFFICER: Sure, let's go  
 9 off the record.  
 10 [OFF THE RECORD, Discussion]  
 11 [ON THE RECORD, Discussion]  
 12 THE HEARING OFFICER: So let's go back  
 13 on the record. Mr. Massena, are you ready to  
 14 continue your direct examination?  
 15 MR. MASSENA: Yes.  
 16 THE HEARING OFFICER: Please.  
 17 Q. Dr. Severin, I believe we left off with  
 18 your describing an interaction between you and  
 19 Principal Dorcely in September 2015, correct?  
 20 A. Yes.  
 21 Q. And that was in regard to a lesson plan  
 22 that he had observed on September 11th?  
 23 A. Yes.  
 24 THE HEARING OFFICER: Can we just go  
 25 off the record for a quick moment?

1 SEVERIN - DIRECT - MASSENA  
 2 [OFF THE RECORD, Sidebar]  
 3 OFFICER: Thanks so much. Let's go  
 4 back on. Mr. Massena.  
 5 Q. Okay, Dr. Severin, you've had an  
 6 opportunity to review the specifications in this  
 7 case, is that correct?  
 8 A. Yes.  
 9 Q. Okay, and regarding Specification 12, which  
 10 states--which is in the record which states, "On or  
 11 about September 11th of 2015 respondent failed to  
 12 follow a directive plan given by administration to  
 13 have the following plan readily available upon  
 14 request of an administration and an instructional  
 15 objective, followed by a timestamp agenda, listing  
 16 the skill standards the lessons would be addressing  
 17 on the board, SMART Board." Did you have a plan that  
 18 was readily upon request of an administrator?  
 19 A. Yes.  
 20 Q. Okay, and did you provide that plan to an  
 21 administrator?  
 22 A. Yes.  
 23 Q. How did you provide that plan to an  
 24 administrator?  
 25 A. I showed it to--sorry. I showed the lesson

1 SEVERIN - DIRECT - MASSENA  
 2 plan that I had on the scientific revolution to Mr.  
 3 Dorcely and explained to him that Ms. Fagan had asked  
 4 that we try something--I mean we do a different  
 5 lesson to commemorate the events of September 11th.  
 6 Q. And so you submitted that lesson plan to  
 7 whom?  
 8 A. I showed it to Mr. Dorcely but he did not  
 9 accept it, claiming that it was not what was being  
 10 shown on the SMART Board.  
 11 Q. Okay, and why was it not what was being  
 12 shown on the SMART Board?  
 13 A. Because Ms. Fagan came in and she asked  
 14 that we--her and her colleagues were preparing for a  
 15 lesson regarding September 11th and she wanted to do  
 16 that as well in our class.  
 17 Q. Okay. So--and then did you have an  
 18 instructional objective with a timestamp agenda  
 19 listing the skills and standards the lesson would be  
 20 addressing on the SMART Board?  
 21 A. No, not on the SMART Board; it was on my  
 22 lesson plan regarding the scientific revolution and  
 23 the agenda was in the second blackboard in the back  
 24 of the room.  
 25 Q. And is that blackboard visible to an

1 SEVERIN - DIRECT - MASSENA  
 2 individual who enters into the classroom?  
 3 A. Yes.  
 4 Q. Readily visible to an individual who enters  
 5 into the classroom?  
 6 A. Yes.  
 7 Q. Okay. I'd like to--so after September 11th  
 8 of 2015, how would you describe your relationship  
 9 between you and Principal Dorcely?  
 10 A. The relationship was extremely hostile.  
 11 Q. How so?  
 12 A. Principal Dorcely clearly demonstrated his  
 13 hostility on numerous occasions. Case in point, on  
 14 September 17th when he called me in for my post-  
 15 observation, which I thought was going to be a post-  
 16 observation regarding the September 11th lesson,  
 17 after that meeting which turned out to be a  
 18 disciplinary meeting, Principal Dorcely walked,  
 19 followed behind me from Room 105 all the way to my  
 20 room, down the hall which is about a good six to  
 21 seven classrooms, talking, harassing, taunting me,  
 22 telling me how this year I'm done and I'm gone, to  
 23 the point where we got in front of Room 128 he  
 24 threatened me, telling me he's going to, excuse the  
 25 arbitrator and members here, that he was going to



1 SEVERIN - DIRECT - MASSENA  
 2 fuck me up and this year that I'm done and I'm gone.  
 3 And I said--  
 4 Q. [Interposing] When did this occurrence take  
 5 place?  
 6 A. On September 17th.  
 7 Q. Okay, and where did it take place?  
 8 A. In the hallway in front of Room 128. But  
 9 prior to him making that statement he walked behind  
 10 me from Room 105 to my classroom 128, talking how  
 11 "This year I'm going to be on your back. Believe you  
 12 me you are gone, you are gone." So when I asked  
 13 Principal Dorcely, I said, "Are you threatening me?"  
 14 he informed me, "Yes, it's a threat." I said, "Are  
 15 you saying you're threatening me?" he said, "Yes,"  
 16 and then he walked away. What I did, I spoke with  
 17 one of my relative, my brother--  
 18 Q. [Interposing] We'll get to that. Let me--  
 19 so this was in September of 2015?  
 20 A. Yes.  
 21 Q. So describe some of the other actions that  
 22 took place during the fall semester of 2015.  
 23 A. Principal Dorcely was in my room literally  
 24 every day. Every day he came in, he observed me, but  
 25 he never gave me any feedback. The only time

1 SEVERIN - DIRECT - MASSENA  
 2 Principal Dorcely was not in my room was when I fell  
 3 ill and I was out for about seven days, and  
 4 immediately upon returning to work, Principal Dorcely  
 5 was in my room again. In addition to his constant  
 6 attendance in my room, I was constantly being called  
 7 in for disciplinary reasons. Sometime I would have  
 8 three or four disciplinary meetings in one day. Some  
 9 of--  
 10 Q. [Interposing] This was all during the fall  
 11 semester of 2015?  
 12 A. Yes.  
 13 Q. I'd like to draw your attention to what's  
 14 been entered into evidence as Respondent's 9. Do you  
 15 recognize it?  
 16 THE HEARING OFFICER: Just give us a  
 17 moment to get that exhibit. Ms. Kim, do you  
 18 have copies?  
 19 MS. KIM: I think I'd like to back up  
 20 my--  
 21 THE HEARING OFFICER: [Interposing]  
 22 Let's go off the record.  
 23 MS. KIM: I apologize  
 24 [OFF THE RECORD, Review exhibit]  
 25 [ON THE RECORD, Review exhibit]

1 SEVERIN - DIRECT - MASSENA  
 2 THE HEARING OFFICER: Okay, let's go  
 3 back on the record. Mr. Massena, we have before  
 4 us now Respondent's Exhibit 9.  
 5 Q. 9, yes. Do you recognize it?  
 6 A. Yes.  
 7 Q. Okay. What is it?  
 8 A. This is an email that--well, this is a  
 9 response that Michael Romano sent to me regarding an  
 10 email that I sent him documenting how Principal  
 11 Dorcely had intensified his retaliation towards me.  
 12 Q. Why did you feel the need to send this  
 13 email?  
 14 A. I was looking for someone to do something  
 15 to help, to remediate--to do something and help me  
 16 get some kind of reprieve.  
 17 Q. Did that help finally come?  
 18 A. No.  
 19 Q. I'm going to show you what's been moved  
 20 into evidence as Respondent's 8. Do you recognize  
 21 this document?  
 22 A. Yes.  
 23 Q. Okay. And what is that document?  
 24 A. This is an email that I sent to Michael  
 25 Prayor, the superintendent, asking him to somehow

1 SEVERIN - DIRECT - MASSENA  
 2 intervene on my behalf with regard to Mr. Dorcely's  
 3 aggression towards me.  
 4 Q. And I'd like to show you also what's been  
 5 marked into evidence as Respondent's 7. Do you  
 6 recognize that?  
 7 THE HEARING OFFICER: Before we move  
 8 on to Respondent's 7, Respondent's 8 is already  
 9 in evidence. I just want to make sure that I'm  
 10 reading the document correctly. Dr. Severin,  
 11 when did you send this email?  
 12 DR. SEVERIN: It says May 27th, 2015.  
 13 THE HEARING OFFICER: Thank you. Mr.  
 14 Massena, please continue.  
 15 Q. Thank you. And Respondent's 7, do you  
 16 recognize it?  
 17 A. Yes.  
 18 Q. And what is it?  
 19 A. This is, prior to sending the second--the  
 20 first email--I'm sorry. I sent--this is my email to  
 21 Principal Prayor informing him that I filed a  
 22 complaint with the Special Commission of  
 23 Investigation.  
 24 THE HEARING OFFICER: That's  
 25 Superintendent Prayor, correct? You said--.

1 SEVERIN - DIRECT - MASSENA  
 2 DR. SEVERIN: Yes. .  
 3 THE HEARING OFFICER: --I believe you  
 4 said Principal Prayor. .  
 5 DR. SEVERIN: My apologies. Yes,  
 6 Superintendent Prayor. .  
 7 Q. And what was the purpose of that email?  
 8 A. To let him know that Principal Dorcely has  
 9 been very hostile towards me and I believe that  
 10 perhaps it is because--not perhaps, that has  
 11 something to do with my filing that complaint.  
 12 Q. Did there come a time--withdrawn. Was  
 13 there ever a cooling period instituted between you  
 14 and Dr.--you and Principal Dorcely?  
 15 A. Yes.  
 16 Q. Okay, when did that cooling period take  
 17 place?  
 18 A. The exact date and time I do not fully  
 19 remember. I believe it was around December 10th.  
 20 Q. Of?  
 21 A. December 2015.  
 22 Q. Okay, could you describe to the arbitrator  
 23 what proceeded that cool--the cooling period being  
 24 instituted?  
 25 A. After several attempts to reach out to the

1 SEVERIN - DIRECT - MASSENA  
 2 A. At the end of the meeting both the  
 3 principal--I mean the District rep and the  
 4 superintendent agreed that they would have this  
 5 cooling off where Principal Dorcely will cease his  
 6 aggression towards me and that we would maintain a  
 7 professional relationship and that I would be given  
 8 an opportunity to transfer to a different school. At  
 9 that time, I went, I searched on the open--  
 10 Q. [Interposing] So let me--before you get to  
 11 that, Dr. Severin. So during this--what was the--was  
 12 there a time frame for this cooling period?  
 13 A. Yes, from--again, I don't remember the  
 14 exact date but I have some about date which was  
 15 December 10th, 2015 to the end of the semester which  
 16 is normally January 30th or 31st, 2016.  
 17 Q. And was that supposed to be the prescribed  
 18 period or the prescribed time period for the cooling  
 19 off period?  
 20 A. Yes.  
 21 Q. Did the cooling off period last for that  
 22 length of time?  
 23 A. No, it did not.  
 24 Q. What happened?  
 25 A. On or about January 14th, 2016, please

1 SEVERIN - DIRECT - MASSENA  
 2 superintendent to see if I could get some relief from  
 3 the aggression of Mr. Dorcely, the District rep, Mr.  
 4 James Duncan, decided to intercede on my behalf and  
 5 spoke with the superintendent and asked him to find a  
 6 way to kind of allow for some kind of reprieve for  
 7 myself where I would be able to leave the school and  
 8 go somewhere else so we could be at peace.  
 9 Q. And who was present at this cooling off  
 10 meeting?  
 11 A. At that meeting, myself, Mr. Prayor, Mr.  
 12 James Duncan, Mark Satchell, the UFT rep., Mr. Moses  
 13 and Principal Dorcely.  
 14 Q. Describe what took place at that meeting.  
 15 A. At that meeting we were in one of the rooms  
 16 in the school wing, I think it was 142, and Mr.  
 17 Dorcely, I mean Mr. James Duncan decided to start the  
 18 meeting and inform everyone why we're there and how  
 19 he has recognized that there is conflict between  
 20 Principal Dorcely and I, and that in the interest of  
 21 both individuals, that we would try to find some kind  
 22 of answer, some kind of remedy where it would not be  
 23 confrontational.  
 24 Q. And what, if anything, came out of this  
 25 meeting?

1 SEVERIN - DIRECT - MASSENA  
 2 pardon me if the date is slightly off, there was a  
 3 disciplinary meeting where Mr. James Duncan  
 4 represented me where Ms. Barnett, AP Barnett and  
 5 Principal Dorcely gave me several documents to sign.  
 6 After I signed those documents, as we agreed on  
 7 during the cooling off period meeting, at that  
 8 cooling off period meeting also Principal Dorcely was  
 9 to cease his attempt toward a 3020 as well. Following  
 10 me signing those letters that were given to me, at  
 11 the end Principal Dorcely said, "Cooling off period  
 12 is over, I'm still proceeding with the 3020-a" and  
 13 the observation and the aggression continues.  
 14 Q. And when was--when did that conversation  
 15 take place?  
 16 A. At the end of that meeting with myself and  
 17 Mr. Duncan.  
 18 Q. And do you remember approximately what date  
 19 or time that took place?  
 20 A. Again, I don't remember the exact date but  
 21 I believe vaguely that it was around January 14th.  
 22 Q. Okay, and how did you react to that?  
 23 A. My reaction was pretty much in disbelief;  
 24 however, Mr. Duncan felt that this was a man who did  
 25 not negotiate in good faith and decided that he would

1 SEVERIN - DIRECT - MASSENA  
 2 file a harassment Article 23 against Principal  
 3 Dorcely. And that was--  
 4 Q. [Interposing] Well let me just--before you  
 5 go into that, now after this meeting between you,  
 6 Principal Dorcely, and Assistant Principal Barnett,  
 7 what took place next?  
 8 A. What took place, once Mr. Dorcely said that  
 9 a cease--the cooling off period ended and that he  
 10 would continue his aggression, Mr. Duncan decided  
 11 that he would file an Article 23 on my behalf.  
 12 Q. In terms of--let me specific, in terms of  
 13 your relationship and your interaction with Mr.--with  
 14 Principal Dorcely, what took place next?  
 15 A. Oh, it was--it became extremely hostile.  
 16 Q. How so?  
 17 A. Practically breathing the air that's  
 18 natural to us was a disciplinary reason. Constantly  
 19 I was walking on eggshells. I was made to feel that I  
 20 was in an uncomfortable environment. Principal  
 21 Dorcely has even gone as far as trying to coerce my  
 22 students into not following my class. He allowed  
 23 children not to take my exam, informing the children  
 24 that they weren't learning anything in my class.  
 25 Children became very hostile towards me, trying to

1 SEVERIN - DIRECT - MASSENA  
 2 disrupt my class, which never happened before. A  
 3 slew of actions took place that demonstrated that  
 4 administration somehow was targeting me.  
 5 Q. So there came a point in time where you  
 6 were no longer at the school, correct?  
 7 A. Yes.  
 8 Q. How did that come about?  
 9 A. On May 6th--on May 6th I walked into school  
 10 ready to move my card as I normally do every day.  
 11 Principal Dorcely met me in the hallway and escorted  
 12 me to the main office and informed me that here's a  
 13 letter, I've been reassigned, 3020 charges will be  
 14 coming forth, and I was asked to come to 100 Gold  
 15 Street and receive my reassignment.  
 16 Q. As we said before, you've had an  
 17 opportunity to review the specifications, is that  
 18 correct?  
 19 A. Yes.  
 20 Q. In this particular case?  
 21 A. Yes.  
 22 Q. All right, I'd like to draw your attention  
 23 to Specification 1. On or about April 4th of 2016  
 24 respondent signed out and left the school building  
 25 without approval at 12:20 p.m. and did not return to

1 SEVERIN - DIRECT - MASSENA  
 2 his post assignments, Period 7 prep and Period 8.  
 3 What is your response to that specification?  
 4 A. On that particular day I fell ill. I  
 5 approached Ms. Towns, whom I was instructed to speak  
 6 to without having to go through administration. The  
 7 hostility from both Principal Dorcely and Ms. Barnett  
 8 was that if I had anything to say to them, I had to  
 9 inform the secretary or make an appointment with the  
 10 secretary and then she would relay the information to  
 11 them.  
 12 Q. So by this period you were no longer  
 13 speaking directly to Assistant Principal Barnett and  
 14 Principal Dorcely?  
 15 A. Correct.  
 16 Q. Okay. And your instructions were to do  
 17 what?  
 18 A. To address Ms. Towns and she would inform  
 19 them, if needed.  
 20 Q. And did you do so in this case?  
 21 A. Yes.  
 22 Q. Okay. I'd like to draw your attention to  
 23 Specification 2 and--withdrawn, one moment. And do  
 24 you know the reason why you were informed to address  
 25 Ms. Towns and not Principal Dorcely and Assistant

1 SEVERIN - DIRECT - MASSENA  
 2 Principal Barnett?  
 3 A. Yes. Principal Dorcely and Ms. Barnett one  
 4 time saw me in the hallway--  
 5 MS. KIM: Objection.  
 6 THE HEARING OFFICER: Well as to what  
 7 you saw, you were in the hallway with the two  
 8 individuals?  
 9 DR. SEVERIN: Yes, I was in the  
 10 hallway--  
 11 THE HEARING OFFICER: Fine, so  
 12 continue.  
 13 A. I was in the hallway and Principal Dorcely  
 14 and Ms. Barnett accused me of saying inappropriate--  
 15 something that was rude or inappropriate. I don't  
 16 know to what was it that was said but somehow they  
 17 never wrote me up or gave me a disciplinary letter  
 18 for that. And I think as a result of that day they  
 19 determined that if I were to say anything to them I  
 20 had to speak to the secretary.  
 21 Q. Now on or about--okay, now moving to  
 22 Specification 2, on or about February 5th of 2016, do  
 23 you recall that day?  
 24 A. Yes. When I look at the specs I--  
 25 specifications that were brought against me it says

1 SEVERIN - DIRECT - MASSENA  
 2 something--  
 3 Q. [Interposing] Well, I'm just asking if you  
 4 recall that day.  
 5 A. Yes, yes.  
 6 Q. And do you--withdrawn. In Specification 2,  
 7 which is in evidence, it states that "On or about  
 8 February 5th of 2016 the respondent failed to adhere  
 9 to the school cell phone policy when he allowed  
 10 students to use their cell phones during his Period 3  
 11 class." What is your response to this specification?  
 12 A. That is totally inaccurate. I was not--  
 13 Q. [Interposing] Could you please describe to  
 14 the arbitrator what took place on that day?  
 15 A. I was not even in the room. I was  
 16 conferencing with one of the students in my class, in  
 17 that particular class, outside of the office while my  
 18 co-teacher, Ms. Burlingame, was in the room. As I  
 19 was outside, Principal Dorcely was walking by. He  
 20 passed by me from the first window and then when he  
 21 got to the second window he looked into the  
 22 classroom. When he looked into the classroom he  
 23 entered the class and then he walked back outside  
 24 while I was still outside conferencing with the  
 25 student, and informed me that "Did you know that

1 SEVERIN - DIRECT - MASSENA  
 2 I was constantly by myself during this common  
 3 planning.  
 4 Q. Just one moment.  
 5 THE HEARING OFFICER: Let's go off the  
 6 record. .  
 7 [OFF THE RECORD, Review]  
 8 [ON THE RECORD, Review]  
 9 THE HEARING OFFICER: Okay, so let's  
 10 go back on the record. Mr. Massena?  
 11 MR. MASSENA: Yes. At this time, I  
 12 would like this document marked for  
 13 identification as Respondent's 10.  
 14 THE HEARING OFFICER: Yes, that's  
 15 correct. I'll mark this for--  
 16 MR. MASSENA: [Interposing] I'm  
 17 handing a copy to Department.  
 18 THE HEARING OFFICER: I'll mark this  
 19 as Respondent's Exhibit 10 for identification.  
 20 Q. Mr.--Dr. Severin, I'm handing you what has  
 21 been marked for identification as Respondent's 10.  
 22 Do you recognize it?  
 23 A. Yes.  
 24 Q. Okay, and what do you recognize it to be?  
 25 A. This is an email from Ms. Fagan to myself.

1 SEVERIN - DIRECT - MASSENA  
 2 students had their cell phone out in my class?" I  
 3 informed him, I said, "Principal Dorcely, I'm not in  
 4 the room. There's no way of me to know that." And  
 5 he decided--and I said, "Ms. Burlingame is right  
 6 there." She should be the one addressing--he should  
 7 be addressing that to him, I mean to her. And he  
 8 decided to walk away and I received a letter later on  
 9 saying that I had to be disciplined and he gave me a  
 10 disciplinary letter for that.  
 11 Q. I'm directing your attention to  
 12 Specification 3, which is in evidence. On or about  
 13 December 25th, during Period 6, it states that you  
 14 failed, the respondent failed to attend and  
 15 participate in common planning meeting with the  
 16 social studies department. Before responding to  
 17 Specification 3, how would you describe the common  
 18 planning meetings at Urban Action Academy?  
 19 A. Common planning is a time where teachers  
 20 are supposed to be planning with one another,  
 21 especially if they have co-teachers. However, common  
 22 planning never really existed. Every time I attended  
 23 common planning I was always planning by myself.  
 24 Either my co-teachers were illegally doing IEP's at  
 25 that time, or doing something else, absent, on trips.

1 SEVERIN - DIRECT - MASSENA  
 2 Q. Okay. And when is it dated?  
 3 A. It's dated March 22nd, 2015.  
 4 Q. Okay. And is it a fair and accurate copy  
 5 of the email that you sent to Ms. Fagan?  
 6 A. Yes. No, Ms. Fagan sent to me.  
 7 Q. Ms. Fagan sent to you. At this time, I'd  
 8 ask that this document be moved into evidence.  
 9 THE HEARING OFFICER: Any objection?  
 10 MS. KIM: Could I just note which  
 11 specification is this in reference to?  
 12 MR. MASSENA: This is in reference to  
 13 Specification 3. And also generally  
 14 Specification #5.  
 15 MS. KIM: I have no objection.  
 16 THE HEARING OFFICER: Respondent's 10  
 17 is in evidence.  
 18 Q. Okay, you described to the--withdrawn. You  
 19 sent an email to Ms. Fagan, is that correct?  
 20 A. Yes.  
 21 Q. And when did you send that email?  
 22 A. I sent that email on March 2015.  
 23 Q. Okay, and what was the purpose of sending  
 24 that email?  
 25 A. Basically asking them, we need to plan

1 SEVERIN - DIRECT - MASSENA  
 2 together. It's not been happening. We are given the  
 3 time, but somehow it's not being used. It's very  
 4 frustrating.  
 5 Q. Okay. And what was Ms. Fagan's response?  
 6 A. She replied that, you know, we were given  
 7 the time, as we agreed, but some of the  
 8 recommendations were not being addressed.  
 9 Q. And when you spoke about--earlier in your  
 10 testimony you spoke about--you were describing the  
 11 common planning time. Does this and your mood--  
 12 withdrawn. And you were describing the common  
 13 planning time- does this email capsule some of what  
 14 you were testifying to earlier?  
 15 A. Yes.  
 16 Q. How so?  
 17 A. Basically, common planning was given to us,  
 18 that period, for us to come together, figure out some  
 19 of the best strategies, but somehow the other  
 20 teachers always had something else to do. Ms. Fagan  
 21 in particular, she was always doing IEP. She was  
 22 always meeting and doing other things, but she was  
 23 never really there.  
 24 Q. Now, and when you say "never really there",  
 25 what do you mean by that?

1 SEVERIN - DIRECT - MASSENA  
 2 A. She was never there to common plan. She  
 3 was always doing something other than common  
 4 planning.  
 5 Q. So, she--would she be in the room?  
 6 A. She would be in the room, in the school,  
 7 but not planning with me.  
 8 Q. And just to clarify- she would be in the  
 9 room during common planning time and during the  
 10 common planning time--withdrawn. She would be in the  
 11 room during the time prescribed for common planning,  
 12 correct?  
 13 A. Yes.  
 14 Q. However, she was not common planning- is  
 15 that your testimony?  
 16 A. Yes.  
 17 Q. And is that consistent with many of the  
 18 teachers?  
 19 A. Yes.  
 20 Q. Okay, and are you also guilty of that on  
 21 occasion as well?  
 22 A. Yes.  
 23 Q. You've had an opportunity to also see what  
 24 is in evidence as Specification 5, correct?  
 25 A. Yes.

1 SEVERIN - DIRECT - MASSENA  
 2 Q. And in Specification 5, several dates are  
 3 listed, dates that you missed common planning time.  
 4 A. Yes.  
 5 Q. Okay. Do many of those--withdrawn. How  
 6 would you describe this listing of these dates that  
 7 you suppose that she supposedly missed during common  
 8 planning time?  
 9 A. I never missed those common planning.  
 10 Q. Why do you say that?  
 11 A. Either I was being disciplined with Mr.  
 12 Dorcely or Ms. Barnett or when I would walk into  
 13 those meetings, I didn't sign in. But I was always  
 14 there.  
 15 Q. Now, in terms of the common--in terms--  
 16 withdrawn. Principal Dorcely was at times present at  
 17 these common planning meetings. Is that correct?  
 18 A. Yes.  
 19 Q. And so was Assistant Principal Barnett,  
 20 correct?  
 21 A. It's either or.  
 22 Q. Oh.  
 23 A. Yes.  
 24 Q. And by October of 2015, how would you  
 25 describe your relationship with them by this period

1 SEVERIN - DIRECT - MASSENA  
 2 in time?  
 3 A. Oh, it was extremely toxic.  
 4 Q. What do you mean by that?  
 5 A. By October 20th 2015, Principal Dorcely had  
 6 already threatened to fuck me up. He had already  
 7 informed me that this year I'm done and I'm gone.  
 8 And he had visited my class over 20 times and he had  
 9 never given me any feedback whatsoever.  
 10 Q. When you say he visited your class over 20  
 11 times, during what particular period or timeframe are  
 12 referring to this 20 times?  
 13 A. During second period, during my teaching,  
 14 especially period 1, 2, and 3. He never gave me any  
 15 feedback except for the September 11th that he came  
 16 in, Ms. Fagan was conducting the lesson and that he  
 17 decided that he would write me up saying that I was  
 18 not prepared which was inaccurate.  
 19 Q. And the room that the common planning  
 20 meetings are held, what type of a room is it?  
 21 A. Prior to October 20th, common planning was  
 22 taking place in teachers' rooms. In particular, in  
 23 my room I was given that time to plan on my own. It  
 24 was not until October 20th, when the MOSL grading  
 25 needed to be completed, that Principal Dorcely asked

1 SEVERIN - DIRECT - MASSENA  
 2 teachers to go and grade the MOSL instead of  
 3 planning, instead of doing common planning, that is  
 4 became an issue.  
 5 Q. So--  
 6 A. [Interposing] Common planning became an  
 7 issue.  
 8 Q. So, the MOSL--when was the MOSL grading  
 9 period?  
 10 A. The MOSL grading began, if I'm not  
 11 mistaken, around the third week of October and we had  
 12 to be trained in the train--we had to be trained in  
 13 the grading.  
 14 Q. Where did the training take place?  
 15 A. In Room 104, if I'm not mistaken.  
 16 Q. Is that the same room where the common  
 17 planning time--  
 18 A. [Interposing] No.  
 19 Q. --needed to be taken? Okay.  
 20 A. No. At that time, there was no common  
 21 planning as described in the specification #5.  
 22 Q. Okay. And when did the common planning  
 23 time meeting as described in Specification 5 begin?  
 24 A. When Principal Dorcely wanted us, wanted  
 25 the teachers, to grade the MOSL- that's when he

1 SEVERIN - DIRECT - MASSENA  
 2 Q. Okay, to grade MOSLs at that day, could you  
 3 describe to us whether or not that is a collaborative  
 4 effort?  
 5 A. No.  
 6 Q. Okay. I'd like to draw your attention to  
 7 Wednesday, November 11th of 2015. Does that date  
 8 stand out to you for any particular reason?  
 9 A. Yes.  
 10 Q. Why?  
 11 A. This is Veteran's Day.  
 12 Q. Okay, do you know whether you were marked  
 13 absent from the grading plan on--from the common--the  
 14 alleged common planning time meeting on that date?  
 15 A. Yes, I was marked absent but there was no  
 16 school on that day.  
 17 Q. Okay. I'd also like to draw your  
 18 attention, if you recall, the date of November 25th  
 19 2015. Does that particular date have any relevance  
 20 to you?  
 21 A. Yes.  
 22 Q. Okay, how so?  
 23 A. That was Wednesday, the day before  
 24 Thanksgiving. At that time, we had Thanksgiving  
 25 gathering at the school. There were various

1 SEVERIN - DIRECT - MASSENA  
 2 requested that all teachers attend Room 104 for the  
 3 common--for the purpose of grading the MOSL exam.  
 4 THE HEARING OFFICER: Just for the  
 5 record, MOSL is M-O-S-L.  
 6 A. Measure of Student Learning, yes.  
 7 Q. Was the MOSL grading taking place at the  
 8 same time as the common planning time?  
 9 A. Yes, that--I guess you would call it--this  
 10 is what Principal Dorcely tried to call common  
 11 planning.  
 12 Q. So, what you're saying is that during  
 13 common planning time, common planning was not taking  
 14 place?  
 15 A. Correct.  
 16 Q. But what--  
 17 A. [Interposing] It was--it was the grading of  
 18 the Measure of Student Learning.  
 19 Q. Okay. And that took place for how long?  
 20 A. That took place during 6th period. And it  
 21 took a good two weeks, if I'm not mistaken. Their  
 22 attendance record should show that we worked on MOSLs  
 23 as opposed to actually planning for our students as  
 24 directed--as the whole common planning is described  
 25 as.

1 SEVERIN - DIRECT - MASSENA  
 2 festivities as far as the school having some  
 3 gathering to honor teacher. I received some award at  
 4 that meeting. And while I was at that meeting, I was  
 5 approached by Ms. Barnett, Principal Dorcely, and Ms.  
 6 Towns, giving me several documents to sign at that  
 7 meeting in, I mean, the most humiliating way. And  
 8 everybody who was in attendance who was there, they  
 9 could see that the way I was accosted, it was  
 10 awkward.  
 11 MS. KIM: Objection.  
 12 THE HEARING OFFICER: Alright,  
 13 sustained as to the latter part, as to what the  
 14 others may have -- [00:01].  
 15 A. At that time, I was accosted by the three  
 16 individuals asking me to sign this document and I  
 17 informed them, "Please allow me to read the  
 18 document." Principal Dorcely ended the gathering,  
 19 the party that was taking place, and sent all the  
 20 students back to their classrooms which was 8th  
 21 period. And at that time, I was further harassed and  
 22 followed to my class and forced to--and tried to  
 23 force to sign those documents. And I simply asked  
 24 them, "Please allow me to look at the document and  
 25 see what it is that I'm signing." At that time, when

1 SEVERIN - DIRECT - MASSENA  
 2 I got to the room, they wanted me to sign and I said,  
 3 "I have students that I have to teach. Am I going to  
 4 be relieved of that?" So, Principal Dorcely sent all  
 5 the children home, dismissing their class before  
 6 time, and demanding that I sign the paper right  
 7 there. I said, "Principal Dorcely, I never had a  
 8 problem signing. I just want to be able to read the  
 9 content of these letters that I'm signing." As--  
 10 Q. [Interposing] Do you--go ahead.  
 11 A. As I started looking at the letters to  
 12 sign, the fire drill--there was a fire drill which  
 13 was a rapid dismissal--the fire drill came in and  
 14 tried to force me to stay during the fire drill and  
 15 sign the paper. And I informed them. I said, "It's  
 16 a fire drill. By law, I'm supposed to leave the  
 17 building and come back." When I came back in, I'm  
 18 ready to sign and then the bell rang, dismissal. I  
 19 asked them to allow me to look at the paper and  
 20 resubmit. And everybody went home. I took the  
 21 papers. I read them, and on November 30th, I signed  
 22 them and turned them to Ms. -- [00:01].  
 23 Q. Okay, so back to November 25th- was that an  
 24 early dismissal?  
 25 A. Yes.

1 SEVERIN - DIRECT - MASSENA  
 2 Q. How early was it?  
 3 A. It was a rapid dismissal that the school  
 4 had.  
 5 Q. What does that mean- rapid dismissal?  
 6 A. In other words, from time to time when they  
 7 have fire drills, depending on the day, they could--  
 8 excuse me--they could have the fire drill at a time  
 9 when there's not much time left in the school day, so  
 10 students can just leave right after that, the  
 11 dismissal--I mean, the fire drill.  
 12 Q. Okay. And is that what took place on  
 13 November 4th--is that what took place on November  
 14 25th?  
 15 A. Yes.  
 16 Q. Okay. The school-wide party, what time did  
 17 the school-wide party take place?  
 18 A. It took place from 6th period through 8th  
 19 period, to the end of the day.  
 20 Q. Okay, and 6th period is the time that the  
 21 common planning time takes place?  
 22 A. Yes.  
 23 Q. Correct?  
 24 A. Yes.  
 25 Q. Okay. I'd like to draw your attention to

1 SEVERIN - DIRECT - MASSENA  
 2 Specification 4 which states that on or about  
 3 November 25th of 2015, you failed to adhere to school  
 4 policy or a written directive from school  
 5 administrators to keep one set of lights on in the  
 6 classroom during the viewing of a video or a movie.  
 7 What is your response to that specification?  
 8 A. The light was off, but there was no  
 9 directive. The principal came in and informed me  
 10 that- were you aware that your lights were off? I  
 11 had explained to her--Principal Dorcely that my room,  
 12 as located, is to the south where the sun is directly  
 13 beaming on the room and when that happens, it's hard  
 14 for the students to see the smart board with the  
 15 video. And as such, the best way to do it is to not  
 16 only bring down the shades, but to also turn off the  
 17 lights. When Principal Dorcely came in taunting me  
 18 with this, with his colleagues where he was pointing  
 19 fingers, laughing at me through the window.  
 20 Afterwards, he decides to send me the email informing  
 21 me of the light. And I was given that email as a  
 22 disciplinary conference, as a letter.  
 23 Q. Okay. I'd like to draw your attention to  
 24 Specification #6. On or about November 12th 2015,  
 25 respondent left the school building during the school

1 SEVERIN - DIRECT - MASSENA  
 2 day without signing the teacher log in the school's  
 3 main office. On November 12th of 2015, did you leave  
 4 the school building?  
 5 A. No sir.  
 6 Q. Okay. Why would Principal Dorcely indicate  
 7 that you left the school building?  
 8 A. I am unable to determine how but I know--  
 9 the only thing I can fathom is that because I'm  
 10 accustomed to leave during my lunch, he may have  
 11 guessed or assumed that because I didn't sign that  
 12 day, I left without signing, but there was no need  
 13 for me to leave without signing. I understand  
 14 clearly.  
 15 Q. When you say you understand clearly, what  
 16 do you mean?  
 17 A. That that was something I've been doing.  
 18 That was -- [00:01] of us to sign out. I've done it.  
 19 Q. So you did not leave the building?  
 20 A. No.  
 21 Q. Okay. Why didn't you sign the log-in  
 22 sheet?  
 23 A. You only get to sign if you're leaving the  
 24 building.  
 25 Q. So the reason why you didn't sign the log-

1 SEVERIN - DIRECT - MASSENA  
 2 in book is--  
 3 A. I didn't leave.  
 4 Q. Okay. Off the record please?  
 5 THE HEARING OFFICER: Sure. Let's go  
 6 off the record.  
 7 [OFF THE RECORD, break, 18:14]  
 8 [ON THE RECORD]  
 9 THE HEARING OFFICER: Okay, let's go  
 10 back on the record. Mr. Massena?  
 11 Q. Okay, Dr. Severin, I'd like to draw your  
 12 attention to Specification #7. On or about November  
 13 9th of 2015, respondent failed to follow a directive  
 14 given by administration to submit his mid-term exam  
 15 for feedback and review to administration. Do you  
 16 have a response to that particular specification?  
 17 A. The MOSL is not a teacher-administered.  
 18 It's a state exam. But yet, Principal Dorcely felt  
 19 that I should've submitted the MOSL to him. I'm not  
 20 responsible for the MOSL.  
 21 Q. So, where does the MOSL get submitted? Or  
 22 how is the MOSL administered?  
 23 A. What I know is that the MOSL, Measure of  
 24 Student Learning, is an exam that is given to  
 25 students in the early part of the year and toward the

1 SEVERIN - DIRECT - MASSENA  
 2 disciplinary meeting?  
 3 A. Myself, Mr. Satchel, UFT representative,  
 4 Mr. Dorcely, and Ms. Barnett.  
 5 Q. Okay, and those were the only individuals  
 6 present at that conference, correct?  
 7 A. Yes.  
 8 Q. Okay. Were you shown a video of any sort?  
 9 A. No.  
 10 Q. Were there any other principals from any  
 11 other school at that particular meeting?  
 12 A. No.  
 13 Q. So the only individuals that you spoke to  
 14 or had an opportunity to confront with on these  
 15 allegations were Principal Dorcely and Assistant  
 16 Principal Barnett. Is that correct?  
 17 A. That is correct. With Ms. Barnett, I don't  
 18 even remember if she was, but normally when we have  
 19 those meetings, she would be the one there.  
 20 Q. Okay. And again, not referring to the  
 21 underlying incident but primarily referring to the  
 22 disciplinary conference, at the disciplinary  
 23 conference, did Principal Dorcely state whether or  
 24 not he was present during the alleged incident on  
 25 November 4th of 2015?

1 SEVERIN - DIRECT - MASSENA  
 2 end to determine whether or not students have  
 3 improved or not. This particular exam, Principal  
 4 Dorcely wrote me up, failing to submit my midterm  
 5 exam, claiming that the MOSL is the midterm that I  
 6 should be given.  
 7 Q. Is the MOSL a midterm exam?  
 8 A. No, absolutely not.  
 9 Q. Okay. At this time, I'd like to point you  
 10 to--your attention to Specification 8. On or about  
 11 November 4th of 2015, respondent permitted a student  
 12 to reenter the school building through exits 1 and 2  
 13 instead of entering through the main entrance where  
 14 the student would've been subjected to -- [00:01].  
 15 Now prior to your response, I'd just like to draw to  
 16 the attention to--Mr. Brown, to the arbitrator, that  
 17 the case of Andre versus Cadet -- [00:01] to self-  
 18 incriminate, Mr.--Dr. Severin, I'm just going to ask  
 19 you about the invest--the disciplinary meeting in  
 20 reference to Specification 8 and not the underlying  
 21 allegations regarding it. Do you recall being drawn  
 22 into a disciplinary meeting regarding an incident  
 23 that allegedly took place on November 4th of 2015?  
 24 A. Yes.  
 25 Q. Okay, and who was present at that

1 SEVERIN - DIRECT - MASSENA  
 2 A. Yes.  
 3 Q. He state he was?  
 4 A. Yes.  
 5 Q. Okay. And what about Principal--and what  
 6 about Assistant Principal Barnett?  
 7 A. I--as I mentioned, most of our disciplinary  
 8 meetings were taken place with Ms. Barnett and  
 9 Principal Dorcely, but I don't remember Ms. Barnett  
 10 being there and saying anything. But I wouldn't be  
 11 surprised if she was.  
 12 Q. Okay. Alright, I'd like to draw your  
 13 attention to Specification #9. On or about October  
 14 23rd of 2015, respondent failed to contact the main  
 15 office and/or an immediate supervisor to inform them  
 16 of his absence. What is your response to that?  
 17 A. That is totally inaccurate. On October  
 18 19th at 4 p.m., I called Subcentral and I requested  
 19 coverage for October 23rd and October 26th.  
 20 Q. Okay. And for a moment, I'd like to show  
 21 you what is the first page--and I'll show it to the  
 22 arbitrator and to DOE--the entire email, what is the  
 23 first page of a document which I'm seeking to put  
 24 into evidence. However, I'm showing the entire  
 25 email, but I'm only seeking to put in the first page



1 SEVERIN - DIRECT - MASSENA  
 2 of the document. I'd like it marked for  
 3 identification as Respondent #11.  
 4 THE HEARING OFFICER: Okay, so  
 5 Respondent's 11. I just want to make sure I  
 6 understand what you're handing up.  
 7 MR. MASSENA: Yes.  
 8 THE HEARING OFFICER: You want the  
 9 entire document to be marked for identification,  
 10 but you're only offering the first page?  
 11 MR. MASSENA: I'm only offering the  
 12 first--actually, I only want the first page  
 13 marked for identification. However, if there's  
 14 an objection, that's why I have the entire.  
 15 THE HEARING OFFICER: Okay, so I'm  
 16 going to hand you back the balance. I have  
 17 before me a one-page document I'm going to mark  
 18 for identification as Respondent's Exhibit 11  
 19 for identification only.  
 20 Q. And Dr. Severin, I am handing you what has  
 21 been marked for identification as Respondent's  
 22 Exhibit #11 and if you'll give me one moment, I'll --  
 23 [00:02]. You've been handed what has been marked for  
 24 identification as Respondent's #11. Do you recognize  
 25 it?

1 SEVERIN - DIRECT - MASSENA  
 2 A. Yes.  
 3 Q. What do you recognize it to be?  
 4 A. An email, the daily docket which directs  
 5 teachers to contact Subcentral of any impending  
 6 absences.  
 7 Q. Okay, and you received this particular  
 8 docket?  
 9 A. Yes.  
 10 Q. Okay, and--okay, you received this  
 11 particular docket. And when did you receive this  
 12 docket?  
 13 A. It's a daily docket but the message is  
 14 constant regarding the contacting Subcentral.  
 15 Q. Okay.  
 16 A. Basically, this is how we're instructed to  
 17 inform admin.  
 18 Q. Okay, very good.  
 19 MR. MASSENA: I'd ask at this time  
 20 that this document be marked for identification--  
 21 moved into evidence as Respondent's Exhibit 11.  
 22 THE HEARING OFFICER: Any objection?  
 23 MS. KIM: I do have an objection,  
 24 Arbitrator Brown. With respect to this  
 25 document, because it is just the first page of

1 SEVERIN - DIRECT - MASSENA  
 2 what looks like several pages of the email, I  
 3 would object on that grounds based on I'd like a  
 4 complete and accurate record of this particular  
 5 email. #2, it's based on relevance. The  
 6 charges for Specifications 9 and 10 deal with  
 7 his failure to contact the main office and/or an  
 8 immediate supervisor to inform them of his  
 9 absences. This only goes to directed by the  
 10 school telling teachers to contact Subcentral.  
 11 That has nothing to do with the teacher's  
 12 responsibility to also inform the school of any  
 13 absences. So, I would argue that this is not  
 14 relevant for the purposes of Specification 9 and  
 15 10.  
 16 THE HEARING OFFICER: Alright, I would  
 17 have the Department argue that in its closing at  
 18 the appropriate time. I don't know that that  
 19 goes necessarily to the relevance of the  
 20 document. However, I can't help but notice--and  
 21 tell me if I'm wrong, Mr. Massena--that this  
 22 document is dated July 14, 2016 which post-dates  
 23 the two days in question reflected in  
 24 Specifications 9 and 10. Can you tell me why  
 25 this document dated July 14th 2016 is relevant?

1 SEVERIN - DIRECT - MASSENA  
 2 MR. MASSENA: Actually, the--it is  
 3 dated October 26th 2015. It was email to me on,  
 4 I believe, July 14th 2016 after I had asked the--  
 5 I had asked the respondent to send it to me  
 6 several days before his testimony.  
 7 THE HEARING OFFICER: I see, I see.  
 8 MR. MASSENA: So, he finally--are we  
 9 off the record?  
 10 THE HEARING OFFICER: No, we're on the  
 11 record.  
 12 MR. MASSENA: Okay.  
 13 THE HEARING OFFICER: That's fine. I  
 14 understand. From two, the two I myself,  
 15 Severin, is you, Mr. Massena? Are you  
 16 indicating that this is an--I just want to make  
 17 sure I understand what your representation is.  
 18 MR. MASSENA: Oh. No, I'm sorry.  
 19 This is actually--yes, the representation is  
 20 that this is a document that I had asked the  
 21 respondent for quite some time ago.  
 22 THE HEARING OFFICER: Okay.  
 23 MR. MASSENA: The respondent hand  
 24 delivered the document to me this morning  
 25 without any further discussion and it appears

1 SEVERIN - DIRECT - MASSENA  
 2 it's a document that he's--an email to himself  
 3 and then provided to me.  
 4 THE HEARING OFFICER: Okay. So, I see  
 5 now, and I've been directed to a different date  
 6 line which reads "October 26th 2015" which I  
 7 think addresses the relevance question with  
 8 regard to the timing of the email. And I am  
 9 prepared to admit it into evidence. There is,  
 10 however, another objection raised by the  
 11 Department that it's an incomplete document. I  
 12 have reason to believe, Mr. Massena, that you  
 13 have the balance of the document.  
 14 MR. MASSENA: Yes, I do. And I will  
 15 just say for the record that the court is  
 16 familiar to the testimony that the DOE  
 17 representative has not been able to hear, is  
 18 familiar with this document which has already--  
 19 this type of document has already been put into  
 20 evidence which is called a daily docket. And  
 21 the court is familiar with that as well.  
 22 THE HEARING OFFICER: Do you just want  
 23 to share it with--  
 24 MR. MASSENA: [Interposing] Sure, the  
 25 balance. Absolutely.

1 SEVERIN - DIRECT - MASSENA  
 2 THE HEARING OFFICER: --with Ms. Kim?  
 3 MR. MASSENA: Absolutely. Ms. Kim,  
 4 thank you.  
 5 MS. KIM: Arbitrator Brown, just in  
 6 the interest of completeness, I would like the  
 7 entire document to go into evidence.  
 8 THE HEARING OFFICER: What's the  
 9 respondent's position on this?  
 10 MR. MASSENA: The particular document  
 11 is simply put--being put into evidence, page 1,  
 12 is the relevant document as to this particular  
 13 testimony which goes towards counter -- [00:01]  
 14 directives by the principal--by Principal  
 15 Dorcelly.  
 16 THE HEARING OFFICER: So, respondent  
 17 is not inclined to offer the other pages of this  
 18 document. Is that correct?  
 19 MR. MASSENA: That's correct.  
 20 THE HEARING OFFICER: Okay. So, tell  
 21 me why, Ms. Kim, this first page is incomplete  
 22 without the balance of the document?  
 23 MS. KIM: Just in terms of--as we  
 24 concede, this is a--based on what's printed,  
 25 it's approximately five pages of an email that

1 SEVERIN - DIRECT - MASSENA  
 2 it looks like the school secretary emailed to  
 3 the administration and staff members and again,  
 4 my concern is just for the interest of making a  
 5 complete record. I would like all five pages to  
 6 be entered into evidence instead of having just  
 7 a snippet of an email entered.  
 8 THE HEARING OFFICER: Alright, I do  
 9 want to wind this up, but what I'm hearing from  
 10 respondent is that the reason Respondent's 11 is  
 11 being offered into evidence is because of the  
 12 notice it provided to the respondent with regard  
 13 to certain action or actions he should take that  
 14 are reflected on page 1. And again, he was not  
 15 the only recipient of this email, one of among  
 16 many. And my only question to the Department  
 17 again is- why is this particular page incomplete  
 18 without the other pages? I'm really not  
 19 interested in cluttering up the record with  
 20 extraneous pages.  
 21 MS. KIM: I have nothing else to add.  
 22 THE HEARING OFFICER: Okay, that's  
 23 fine. So, I'm going to admit Respondent's 11  
 24 into evidence as a one-page document.  
 25 (Whereupon Respondent's Exhibit 11 is

1 SEVERIN - DIRECT - MASSENA  
 2 admitted into evidence)  
 3 Mr. Massena, -- [00:01] your witness.  
 4 MR. MASSENA: Thank you.  
 5 Q. So, did you receive this particular email?  
 6 A. Yes.  
 7 Q. And when you received that particular  
 8 email, what did you believe it to mean or how did you  
 9 interpret that email?  
 10 A. This is instruction given to us. If we  
 11 should be absent, what to do.  
 12 Q. Okay. I am--off the record for a moment,  
 13 please?  
 14 THE HEARING OFFICER: Sure. Let's go  
 15 off the record.  
 16 [OFF THE RECORD, break, 1:46 p.m.]  
 17 [ON THE RECORD, ?]  
 18 THE HEARING OFFICER: Okay, Mr.  
 19 Massena?  
 20 MR. MASSENA: Thank you.  
 21 Q. Okay, I'd like to draw your attention, Dr.  
 22 Severin, to Specification #15. On or about April  
 23 23rd of 2015, respondent failed to contact the main  
 24 office and/or an immediate supervisor to inform them  
 25 of his absence.

1 SEVERIN - DIRECT - MASSENA  
 2 MR. MASSENA: At this time, I'd like  
 3 that this document be marked for identification  
 4 as Respondent's Exhibit #12. I'm handing a copy  
 5 to the arbitrator and also to the Department.  
 6 THE HEARING OFFICER: Okay, I'm going  
 7 to mark this as Respondent's Exhibit 12 for  
 8 identification.  
 9 Q. Dr. Severin, I'm handing you what has been  
 10 marked for identification-- -- [00:01]. I'm going to  
 11 hand you what has been marked for identification as  
 12 Respondent's Exhibit #12. Do you recognize it?  
 13 A. Yes.  
 14 Q. What do you recognize it to be?  
 15 A. It's a phone log of myself calling  
 16 Subcentral on April 23rd.  
 17 Q. Okay. And what is the number for  
 18 Subcentral.  
 19 A. It is 718--  
 20 Q. [Interposing] Actually withdrawn. And is  
 21 this document a fair and accurate--withdrawn. What  
 22 did you state this was again?  
 23 A. This is a phone log.  
 24 Q. Okay, and how did you acquire the phone  
 25 log?

1 SEVERIN - VOIR DIRE - KIM  
 2 A. Yes, thank you.  
 3 Q. It's okay.  
 4 A. Bill, yes. Phone bill for that particular  
 5 month.  
 6 Q. Okay. And the entries that are contained  
 7 in here- they're all phone calls that you made from  
 8 your phone?  
 9 A. Yes.  
 10 Q. Your cellphone?  
 11 A. Yes.  
 12 Q. Okay, and in terms of this particular phone  
 13 log, how exactly did you create it so that you were  
 14 able to attach it to an email?  
 15 A. Oh, I did a screenshot--I think that's what  
 16 it's called--and then I just emailed it to myself and  
 17 printed it because I was having some difficulties  
 18 with my printer.  
 19 Q. Okay  
 20 MS. KIM: I have no objection.  
 21 THE HEARING OFFICER: Respondent's 12  
 22 is in evidence.  
 23 (Whereupon Respondent's Exhibit 12 is  
 24 admitted into evidence)  
 25 DIRECT EXAMINATION (RESUME)

1 SEVERIN - DIRECT - MASSENA  
 2 A. It is my cellphone record of myself calling  
 3 Subcentral to request a sub, substitute teacher for  
 4 April 23rd.  
 5 Q. And is it a fair and accurate copy of your  
 6 phone log?  
 7 A. Yes.  
 8 MR. MASSENA: Okay. At this time, I'd  
 9 ask that this document be moved into evidence as  
 10 Respondent's Exhibit #12.  
 11 THE HEARING OFFICER: Any objection?  
 12 MS. KIM: Just a couple questions--  
 13 THE HEARING OFFICER: [Interposing]  
 14 Sure.  
 15 MS. KIM: --Arbitrator Brown.  
 16 VOIR DIRE  
 17 BY MS. DANA KIM:  
 18 Q. Now, Mr. Severin, with respect to this  
 19 phone log, how did you create this phone log?  
 20 A. I went to my cellphone account and  
 21 basically found the exact date in one of the--what do  
 22 you call that again? The--not phone log, but the  
 23 account something, whatever they give you every  
 24 month. I'm drawing a blank right now.  
 25 Q. Your phone bill?

1 SEVERIN - DIRECT - MASSENA  
 2 BY MR. ALAIN MASSENA  
 3 Q. So, on April 23rd of 2016--2015, what did  
 4 you do that day?  
 5 A. I called Subcentral and I requested a  
 6 substitute teacher for my absent that day.  
 7 Q. Okay, and I--looking at Respondent's #12 in  
 8 evidence, what is the number for Subcentral?  
 9 A. It is 718-935-6740.  
 10 Q. And it appears that in Respondent's #12 you  
 11 called Subcentral four separate times. Why did you  
 12 call four separate times?  
 13 A. I had an emergency situation and ask the  
 14 situation progressed, I didn't know if I was going to  
 15 make it or if I was not. And by the time I made  
 16 several--the first two or three attempts, I realized  
 17 that I was not going to be able to go to work that  
 18 day and that's when I made the last call to request a  
 19 sub.  
 20 Q. And the actions that you took on April 23rd  
 21 of 2015 to report that you were not going to show up  
 22 to--that you were going to be absent from work, had  
 23 you taken to this practice on other dates?  
 24 A. Yes.  
 25 Q. And when do you take that, when do you do

1 SEVERIN - DIRECT - MASSENA  
 2 that?  
 3 A. If a situation presents itself where you're  
 4 unable to go to work, you call in a sub and you give  
 5 the information to DOE and they email the school  
 6 informing them that--of your absent.  
 7 Q. Okay. Just one moment, Your Honor. May we  
 8 go off the record for a second?  
 9 THE HEARING OFFICER: Okay, let's go  
 10 off the record.  
 11 [OFF THE RECORD, break, 2:06 p.m.]  
 12 [ON THE RECORD, ?]  
 13 THE HEARING OFFICER: Okay, let's go  
 14 back on the record.  
 15 Q. Dr. Severin, I'm going to put before you  
 16 what has been moved into evidence as Department's  
 17 Exhibit #1. Do you recognize it?  
 18 A. Yes.  
 19 Q. Okay, and I'd like to ask you to take a  
 20 look at Specification #13, 14, 16, 17, and 18. How  
 21 would you best summarize the fact that these  
 22 specifications, these allegations were made against  
 23 you? And you can take your time to review them in  
 24 whole, total. But how would you best describe the  
 25 fact that these particular types of allegations or

1 SEVERIN - DIRECT - MASSENA  
 2 was still being written up, being rated ineffective.  
 3 I still didn't know the source of it and by the time  
 4 June came and the investigators came to the school  
 5 and Principal Dorcely -- [00:01] was interviewed by -  
 6 - [00:01]. Even something as simple as attaching a  
 7 file and the file not going through, I got written  
 8 up. Meanwhile, every effort was made to adhere to  
 9 whatever mandate was given to me, but nonetheless, as  
 10 long as there was one glitch it was a disciplinary  
 11 meeting.  
 12 Q. Did Principal Dorcely ever discuss a  
 13 counseling memo with you?  
 14 A. No.  
 15 Q. In the same -- [00:01] as the specification  
 16 11, how would you characterize that particular  
 17 specification being brought against you?  
 18 A. Purely -- [00:02]  
 19 Q. Dr. Severin I would like to at this time  
 20 ask the arbitrator that this particular document be  
 21 marked for identification as Respondent's 13.  
 22 THE HEARING OFFICER: I will mark as  
 23 Respondent's 13 for identification.  
 24 Q. You have been handed what is Respondent's  
 25 13, do you recognize it?

1 SEVERIN - DIRECT - MASSENA  
 2 specifications were made against you? How would you  
 3 characterize them? Do you need me to repeat the  
 4 specifications I mentioned?  
 5 A. Yes, please.  
 6 Q. Okay. And with the court's permission, I'm  
 7 going to just hand Mr.--Dr. Severin them as well.  
 8 THE HEARING OFFICER: Okay.  
 9 Q. Okay, 13, 15--withdrawn. 13, 14, 16, 17,  
 10 and 18. As a whole, how would you best characterize  
 11 the fact that these particular specifications were  
 12 drawn against you?  
 13 A. It's just pure aggression.  
 14 Q. What do you mean by that?  
 15 A. As I mentioned regarding the December 22nd  
 16 observation, we came back on January 5th which was  
 17 the first day of--after the winter break--second  
 18 period when Principal Dorcely brought me in and  
 19 informed me how ineffective my lesson was, despite  
 20 several of the students having turned in their  
 21 papers. More than anything, I never--I didn't even  
 22 know about Specification 17, 18, or even 16 until  
 23 February 12th when I had the meeting with Mr. Duncan.  
 24 By that time, there was nothing that I could do that  
 25 was right in the school. Students were doing well; I

1 SEVERIN - DIRECT - MASSENA  
 2 A. Yes.  
 3 Q. What do you recognize it to be?  
 4 A. This an e-mail that I sent to  
 5 Superintendent Prayor as well as a cc, carbon copy to  
 6 district representative James Duncan and it is  
 7 entitled grave concern regarding working environment.  
 8 Q. When did you send this e-mail?  
 9 A. On September 18, 2015.  
 10 Q. Is this copy an accurate representation of  
 11 what was sent to Superintendent Prayor Michael?  
 12 MR. MASSENA: At this time, I ask that  
 13 this document be moved into evidence.  
 14 THE HEARING OFFICER: Any objection.  
 15 MS. KIM: Just one second Arbitrator  
 16 Brown, I'm sorry. Just a few voir dire  
 17 questions?  
 18 THE HEARING OFFICER: Sure.  
 19 VOIR DIRE  
 20 BY MS. DANA KIM  
 21 Q. Mr. Severin, so this is an e-mail, it looks  
 22 like you had sent or it's a -- [00:01] of something  
 23 that you had sent to SCI investigator -- [00:01]?  
 24 A. Yes.  
 25 Q. Then the paragraph on top of that is a

1 SEVERIN - VOIR DIRE - KIM  
 2 communication that you sent to the Superintendent Mr.  
 3 Prayor, correct?  
 4 A. Yes.  
 5 Q. Now looking at this one page document, this  
 6 is not the entire e-mail is that correct?  
 7 A. Toward the bottom it appears that there is  
 8 more yes.  
 9 Q. How many pages is it supposed to be?  
 10 A. Depends on the page.  
 11 Q. But there is at least one additional,  
 12 possibly more pages to this document?  
 13 A. Yes, it appears so, yes.  
 14 MS. KIM: I would object on that  
 15 ground [00:01] that it's not a complete e-mail  
 16 and my second ground is that the witness has  
 17 already testified at length about what Principal  
 18 Dorcelly allegedly told him and I believe that  
 19 this e-mail is just merely cumulative of what he  
 20 has already testified about. So I would object  
 21 on that ground that it's, again, Principal  
 22 Dorcelly not the one on trial here. This is  
 23 merely cumulative and all it could is clutter up  
 24 the record.  
 25 THE HEARING OFFICER: Okay, so there

1 SEVERIN - VOIR DIRE - KIM  
 2 your preference is Mr. Massena if you wish to  
 3 offer as well the part below. That is your  
 4 right, but we are going to need a complete  
 5 version of that e-mail.  
 6 MR. MASSENA: I do not have a complete  
 7 version of that e-mail. This is the only  
 8 version that I have. So I will, at this time,  
 9 offer the first part of the e-mail.  
 10 THE HEARING OFFICER: So what I'm  
 11 going to do is redact that part which appears  
 12 beginning RESCI case number 2015, 3600, I'm just  
 13 going to put an X through that part of the page.  
 14 I don't know Ms. Kim if you want to be heard  
 15 further with regard to any further objection,  
 16 but I am prepared to admit the top third of the  
 17 page as Respondent's Exhibit 13. Anything  
 18 further Ms. Kim?  
 19 MS. KIM: So just to be clear, Mr.  
 20 Massena you do not have, if you look at the  
 21 right hand side it looks like there is a scroll  
 22 button so there was additional words. So you do  
 23 not have the full e-mail?  
 24 MR. MASSENA: I do not. If there is a  
 25 request by the Department, I can attempt to --

1 SEVERIN - VOIR DIRE - KIM  
 2 is a couple of issues one of them being that  
 3 it's an incomplete e-mail. Was it the  
 4 Respondent's intentions Mr. Massena to offer  
 5 both the e-mail to Dr. Prayor and the one below  
 6 to Mr. Ramono if I'm reading this correctly?  
 7 MR. MASSENA: That is correct, however  
 8 we can -- [00:01] if necessary and it was my  
 9 understanding that this was pretty much the  
 10 entire e-mail. It appears as if there is a  
 11 signing off please feel free to contact me  
 12 towards the end and it does say page one of one.  
 13 I just believe it's the manner in which it is  
 14 being printing. It doesn't contain the whole e-  
 15 mail.  
 16 THE HEARING OFFICER: I am as the  
 17 hearing officer, uncomfortable receiving the e-  
 18 mail to Mr. Ramono in its present form. It does  
 19 not seem to be a complete e-mail and there may  
 20 be much that is relevant to the outcome of this  
 21 matter contained in that part which is cut off.  
 22 I am on the other hand prepared to accept the  
 23 top quarter or one-third of the page which  
 24 appears to be a complete e-mail from the  
 25 Respondent to the superintendent. Tell me what

1 SEVERIN - VOIR DIRE - KIM  
 2 [00:01] it, but I do not have, this is what I  
 3 have.  
 4 MS. KIM: I would like the full copy,  
 5 but I am mindful of your ruling regarding the  
 6 first third of this e-mail.  
 7 THE HEARING OFFICER: There are a  
 8 couple of issues again. I'm going to admit  
 9 Respondent's 13 into evidence, only the top one  
 10 third of the page and regards to the balance of  
 11 the page, an email, apparently it's Mr. Ramono.  
 12 It's my understanding that a discovery demand  
 13 has been made by the Department on the  
 14 Respondent's to produce the full e-mail.  
 15 MR. MASSENA: I will comply with the  
 16 demand.  
 17 THE HEARING OFFICER: So Respondent's  
 18 13 as previously described is in evidence.  
 19 [Whereupon Respondent's Exhibit 13 is  
 20 admitted into evidence]  
 21 DIRECT EXAMINATION (RESUME)  
 22 BY MR. ALAIN MASSENA  
 23 Q. Why did you send this e-mail Dr. Severin?  
 24 A. Basically, that was to inform  
 25 Superintendent Prayor that Principal Dorcelly had just

1 SEVERIN - DIRECT - MASSENA  
 2 threatened me telling me that he was going to F me up  
 3 and this year I was done and I was gone. I felt  
 4 threatened. I felt that anything at any time any  
 5 moment a situation like that could escalate further.  
 6 Also as a result of this, filed a police report  
 7 informing the authorities that Principal Dorcely had  
 8 threatened me. Later on the harassment charges was  
 9 filed against Principal Dorcely. It was investigated  
 10 by a joint team consisting of the DOE and the UFT.  
 11 Q. Well before we get to that, I just have a  
 12 few more questions for you regarding and at this time  
 13 I would like to have this Respondent's 14 in  
 14 evidence. I'm handing a copy to the Arbitrator and  
 15 also to the Department.  
 16 THE HEARING OFFICER: Alright, so I'm  
 17 marking this as Respondent's 14 for  
 18 identification.  
 19 Q. Do you recognize this?  
 20 A. Yes.  
 21 Q. What do you recognize it to be?  
 22 THE HEARING OFFICER: Are you looking  
 23 to offer this into evidence?  
 24 MS. MASSENA: Yes.  
 25 THE HEARING OFFICER: Is there any

1 SEVERIN - DIRECT - MASSENA  
 2 objection to the Respondent's CV being admitted  
 3 into evidence?  
 4 MS. KIM: I don't believe so.  
 5 THE HEARING OFFICER: Do you want to  
 6 take an additional moment or two to consider it?  
 7 There's no rush.  
 8 MS. KIM: If I could just ask like a  
 9 couple of voir dire. It shouldn't be a problem.  
 10 THE HEARING OFFICER: Certainly.  
 11 VOIR DIRE  
 12 BY MS. DANA KIM  
 13 Q. Mr. Severin this is a copy of your resume?  
 14 A. My curriculum -- [00:01], yes.  
 15 Q. When did you create this document?  
 16 A. This is a document that has been created a  
 17 while, but constantly gets updated.  
 18 Q. When is the last time you updated this  
 19 document?  
 20 A. This, if you don't mind, looking, this  
 21 documented April 2016, as one of the last conferences  
 22 that I attended and presented document on. So I'm  
 23 assuming it's after that date because I normally  
 24 whenever I do any conferences I usually add to it and  
 25 update it.

1 SEVERIN - VOIR DIRE - KIM  
 2 Q. The conference that you are mentioning, I'm  
 3 sorry, is it the first one on the second page?  
 4 A. Yes.  
 5 Q. Okay, got it.  
 6 MS. KIM: I have no objection.  
 7 THE HEARING OFFICER: Respondent's 14  
 8 is in evidence.  
 9 [Whereupon Respondent's Exhibit 14 is  
 10 admitted into evidence]  
 11 DIRECT EXAMINATION (RESUME)  
 12 BY MR. ALAIN MASSENA  
 13 Q. Dr. Severin just describe before we  
 14 conclude, describe for the arbitrator what the last  
 15 two years at the Urban Action Academy, what has it  
 16 been like for you?  
 17 A. In a single word, I could say hell. I have  
 18 never experienced such hostile working environment,  
 19 so much harassment. Working condition was --  
 20 [00:01]. It was not a pleasant year and a half, two  
 21 years for me at all.  
 22 Q. What do think was the genesis of created  
 23 this living hell for you?  
 24 A. I believe that the fact Principal Dorcely  
 25 asked me to look to see where this young lady could

1 SEVERIN - DIRECT - MASSENA  
 2 get grade from after I pointed to him where he give  
 3 her the pencil to write and recoiled. I believe  
 4 somehow that may have been interpreted as a rejection  
 5 of his cheating and as such I believe in my  
 6 estimation that Principal Dorcely must have felt  
 7 embarrassed that I recognized that he was dishonest  
 8 and that he could not continue seeing me in his  
 9 building and as such he tried to push me out and when  
 10 I reported him he decided to retaliate.  
 11 Q. Have you learned of any other allegations  
 12 by teachers at Urban Action Academy regarding  
 13 cheating or alleged cheating by Principal Dorcely?  
 14 MS. KIM: Objection?  
 15 THE HEARING OFFICER: Mr. Massena what  
 16 could the relevance possibly be?  
 17 MR. MASSENA: Dr. Severin has  
 18 testified as to a particular incidence and the  
 19 question is to find out whether or not he has  
 20 learned of any other allegations of cheating.  
 21 THE HEARING OFFICER: I'm sustaining  
 22 the objection.  
 23 Q. What would you like the arbitrator to do in  
 24 this particular hearing?  
 25 MS. KIM: Objection.

1 SEVERIN - DIRECT - MASSENA  
 2 THE HEARING OFFICER: It's an unusual  
 3 question Mr. Massena. I'm not fully  
 4 understanding the context of a 30-20A  
 5 proceeding.  
 6 Q. What would you like to have happen at the  
 7 end of this proceeding?  
 8 MS. KIM: Objection.  
 9 THE HEARING OFFICER: I'm going to  
 10 allow you to ask the question. I believe I'm  
 11 going to allow you to ask the question, but I do  
 12 need you to rephrase it.  
 13 Q. After this proceeding is over what do you  
 14 want to do with the rest of your professional career?  
 15 A. At the conclusion of this, it is my hope  
 16 that I will be able to go and continue to teach,  
 17 making a difference in young children's life. I  
 18 enjoy my profession. I look forward to work with  
 19 children, making them better academically, socially,  
 20 personally. I have committed about 20 years into  
 21 this profession. I have been very successful at it.  
 22 I understand this is not a competency case, however,  
 23 I am highly competent in my profession and I will  
 24 look forward to be back in the classroom.  
 25 THE HEARING OFFICER: Mr. Massena?

1 SEVERIN - CROSS - KIM  
 2 Q. You mentioned that you were the, for that  
 3 school, for Urban Action you were the UFT -- [00:01]  
 4 correct?  
 5 A. Initially, yes.  
 6 Q. For what time period were you the chapter  
 7 chair?  
 8 A. From September to October.  
 9 Q. September to October of which year?  
 10 A. 2014.  
 11 Q. So September 2014 to October 2014?  
 12 A. Yes.  
 13 Q. So you were the chapter chair for  
 14 approximately two months?  
 15 A. Yes.  
 16 Q. The chapter chair immediately following was  
 17 Mr. Satchell?  
 18 A. Yes.  
 19 Q. I believe Mr. Satchell testified that he  
 20 was elected to that position, correct?  
 21 A. Yes.  
 22 Q. Is that accurate, he was elected?  
 23 A. Yes.  
 24 Q. How did you become the -- [00:01] chapter  
 25 chair at Urban Academy?

1 SEVERIN - DIRECT - MASSENA  
 2 MR. MASSENA: No further questions.  
 3 THE HEARING OFFICER: Cross  
 4 examination?  
 5 MS. KIM: Yes.  
 6 CROSS EXAMINATION  
 7 BY MS. DANA KIM  
 8 Q. Good afternoon Dr. Severin.  
 9 A. Good afternoon.  
 10 Q. If there is a question that you don't  
 11 understand, please let me know and I will try to  
 12 rephrase, okay?  
 13 A. Yes.  
 14 Q. You had been a teacher at Urban Action  
 15 Academy for how long?  
 16 A. Two years. Two academic school years.  
 17 Q. Prior to that, where were you?  
 18 A. I was at BCAE, Business, Computer,  
 19 Application and Entrepreneurship which is in Cambria  
 20 Heights.  
 21 Q. Your area of specialty is social studies?  
 22 A. Yes.  
 23 Q. While you were at Urban Action Academy  
 24 which grades did you teach?  
 25 A. Nine through twelve.

1 SEVERIN - CROSS - KIM  
 2 A. I was elected.  
 3 Q. By elected, it would be the other union  
 4 members or teachers at your school, correct?  
 5 A. Yes.  
 6 Q. Why is it that you were the UFT chapter  
 7 chair for only two months?  
 8 MR. MASSENA: Objection your honor.  
 9 THE HEARING OFFICER: Ms. Kim what's  
 10 the relevance?  
 11 MS. KIM: This is going, I'm going to  
 12 -- [00:01] into an issue that he raised on  
 13 direct examination regarding Principal Dorcely  
 14 and parking passes which this witness testified  
 15 about.  
 16 THE HEARING OFFICER: I'm going to  
 17 permit the question, overruled.  
 18 A. Please repeat?  
 19 Q. Why is it that you were the UFT chapter  
 20 chair for only two months at Urban Academy?  
 21 A. After the second month I realized that  
 22 there was some friction between myself and Principal  
 23 Dorcely and in the capacity as chapter leader, we  
 24 would consistently be interacting and I didn't see  
 25 that interaction to be productive. It was already

1 SEVERIN - CROSS - KIM  
 2 becoming hostile. So therefore I resigned my  
 3 position and held election and Mr. Satchell was  
 4 elected.  
 5 Q. So the allegation that you reported SCI  
 6 regarding Principal Dorcely allegedly asking you to  
 7 cheat, when did you report that?  
 8 A. That was reported in the spring of 2015.  
 9 Q. Approximately when?  
 10 A. Approximately April.  
 11 THE HEARING OFFICER: Spring of what  
 12 year sir?  
 13 A. 2015.  
 14 Q. You testified that in terms of reporting  
 15 it, you did not report that allegation immediately,  
 16 correct?  
 17 A. Correct.  
 18 Q. As a matter of fact you waiting until  
 19 someone else advised you that you should report it,  
 20 correct?  
 21 A. Correct.  
 22 Q. When did the actual incident that you  
 23 alleging happened between Principal Dorcely and the  
 24 student take place?  
 25 A. August 2014.

1 SEVERIN - CROSS - KIM  
 2 Q. It was after this incident on August 2014,  
 3 the next school year 2014/2015 is when you became the  
 4 chapter chair, correct?  
 5 A. No. The incident happened August 2014 when  
 6 we came to school in September 2014, that's when I  
 7 was elected.  
 8 Q. That what I meant, the next school year  
 9 2014/2015 you became the chapter chair?  
 10 A. Oh yes, yes okay.  
 11 Q. Now when you were the UFT chapter chair,  
 12 you had several responsibilities including parking  
 13 passes right?  
 14 A. Yes.  
 15 Q. It was your responsibility to disseminate  
 16 parking passes to the members, correct?  
 17 A. Yes.  
 18 Q. With respect to these parking passes, they,  
 19 back when you were the chapter chair there was  
 20 parking passes were distributed via a lottery,  
 21 correct?  
 22 A. Yes.  
 23 Q. You were in charge of that lottery process,  
 24 correct?  
 25 A. Yes.

1 SEVERIN - CROSS - KIM  
 2 Q. Can you describe for us what that lottery  
 3 process entailed?  
 4 A. Basically, all the members they submit,  
 5 they write their name into a lottery and those names  
 6 are pulled out and whomever is pulled will receive a  
 7 parking permit.  
 8 Q. That's the process that took place when you  
 9 were the chapter chair, correct?  
 10 A. Yes.  
 11 Q. With respect to that lottery process, did  
 12 you not make an allegation saying that Principal  
 13 Dorcely withheld one, that he kept one for himself?  
 14 A. Yes.  
 15 Q. Isn't it true that with respect to the  
 16 lottery process there was some teachers who  
 17 complained about how the process unfolded?  
 18 A. No.  
 19 Q. Do you recall there was a teacher who  
 20 actually won a parking pass through the lottery  
 21 system, but because she didn't have a car she wanted  
 22 to give it to another teacher Mr. -- [00:01]?  
 23 MR. MASSENA: Objection your honor.  
 24 THE HEARING OFFICER: I'm going to  
 25 allow some -- [00:01] it's overruled.

1 SEVERIN - CROSS - KIM  
 2 A. That is a clear lie by Mr. Dorcely.  
 3 Q. Okay, sir, so it's not your recollection  
 4 that, that is what happened?  
 5 A. That did not happen.  
 6 Q. But there is a Mr. -- [00:01] who teaches  
 7 at the school?  
 8 A. Yes.  
 9 Q. Isn't true that instead of the principal  
 10 being the one withholding a parking pass, you're the  
 11 one who withheld it correct?  
 12 A. That is not true.  
 13 Q. So that's not true correct? That was the  
 14 question.  
 15 A. May I answer the question?  
 16 Q. No, it's a yes or no question sir.  
 17 A. That is not true. Principal Dorcely held  
 18 the parking permit.  
 19 Q. Okay, so didn't you and Mr. -- [00:01] have  
 20 a conflict because you refused to give that parking  
 21 pass to him?  
 22 A. No.  
 23 Q. Okay, so that never happened?  
 24 A. No.  
 25 Q. Isn't true that because of the lottery



1 SEVERIN - CROSS - KIM  
 2 process and there were teachers who were upset with  
 3 how it unfolded, that is why you stepped down as  
 4 chapter chair?  
 5 A. No.  
 6 Q. For the 2014/2015 school year, again, you  
 7 reported to SCI on the advise of, was it Mr. Mann?  
 8 A. Yes.  
 9 Q. You reported that allegation against  
 10 Principal Dr. Dorcelly around the spring time or April  
 11 2015 correct?  
 12 A. Yes.  
 13 Q. Isn't true for the 2014/2015 school year  
 14 for that school year the principal, Principal Dorcelly  
 15 gave you an effective rating?  
 16 A. Did you say effective or ineffective?  
 17 Q. Effective, correct.  
 18 A. Effective, yes. He didn't give me, I  
 19 earned an effective.  
 20 THE HEARING OFFICER: Your job here is  
 21 to answer the questions asked by the  
 22 Department's counsel.  
 23 Q. So your answer is Principal Dorcelly did  
 24 give you an effective rating for 2014/2015?  
 25 A. Yes.

1 SEVERIN - CROSS - KIM  
 2 Q. Now with respect to, just one moment  
 3 please. You mentioned that at some point because the  
 4 relationship between you and the principal got so  
 5 hostile, he and AP Barnett no longer wanted to  
 6 interact with you and that you were instead directed  
 7 to speak with Ms. Towns, the payroll secretary?  
 8 A. Yes.  
 9 Q. Who told you that you were supposed to  
 10 interact with her and not with your direct  
 11 supervisors?  
 12 A. Mr. Dorcelly.  
 13 Q. When did he tell you?  
 14 A. Verbally. He didn't put it in writing. He  
 15 basically informed me--  
 16 Q. My question to you was when did he tell  
 17 you?  
 18 A. I don't have an exact date.  
 19 Q. Was it during the 2014/2015 school year?  
 20 A. It was in the 2015/2016.  
 21 Q. Okay, so you don't recall when he said this  
 22 to you?  
 23 A. The exact date, no, but it was early in the  
 24 year around September.  
 25 Q. You said he said it to you verbally?

1 SEVERIN - CROSS - KIM  
 2 A. Yes.  
 3 Q. Where were you when he said it?  
 4 A. I was in the main office asking him for my  
 5 computer and he informed me speak to Ms. Towns, the  
 6 secretary and ask her what I need and she will relay  
 7 it to him.  
 8 Q. So this is in the main office where the  
 9 principal was there, you were there, Ms. Towns was  
 10 there?  
 11 A. Yes.  
 12 Q. Who else was in the office at that time if  
 13 there was anyone else?  
 14 A. I don't remember.  
 15 Q. Other than what you just said the principal  
 16 said to you at that time?  
 17 A. Yes.  
 18 Q. Did he say anything else at that time?  
 19 A. It was regarding the computer that I needed  
 20 and he say okay we are going to look for your  
 21 computer which I never received.  
 22 Q. But other than that, he did not say  
 23 anything else?  
 24 A. No, not that I remember. It was mainly  
 25 about that.

1 SEVERIN - CROSS - KIM  
 2 Q. At that time, what you were seeking to  
 3 address with him was your computer?  
 4 A. Yes.  
 5 Q. While a teacher at Urban Action Academy for  
 6 both school years, you have attended the  
 7 faculty/staff meetings that happened right before the  
 8 school year starts, correct?  
 9 A. Yes.  
 10 Q. You were here when the principal and the  
 11 assistant principal testified and I believe through  
 12 one of those witnesses the staff handbooks for the  
 13 2014/2015, 2015/2016 school years were entered into  
 14 evidence, correct?  
 15 A. Yes.  
 16 Q. You received copies of both handbooks,  
 17 correct?  
 18 A. Yes.  
 19 Q. When you received it, you signed a sheet  
 20 saying I acknowledge received, correct?  
 21 A. Yes.  
 22 Q. You knew back then when you received those  
 23 handbooks that it was your responsibility to read  
 24 what is the handbooks correct?  
 25 A. Yes.

1 SEVERIN - CROSS - KIM  
 2 Q. As the UFT chapter chair and as a long time  
 3 UNT member you are aware that any directives that are  
 4 given by any administrator must be followed, correct?  
 5 A. Yes.  
 6 Q. Even if they violate the contract you have  
 7 to follow it and then leave later?  
 8 A. Yes.  
 9 Q. With respect to this case there were many  
 10 disciplinary meetings that either the principal or  
 11 assistant principal held with you and a union rep,  
 12 correct?  
 13 A. Yes.  
 14 Q. As a result of those meetings, letters to  
 15 file were placed in your file, correct?  
 16 A. Yes.  
 17 Q. Of the letters to file that were discussed  
 18 at this hearing and were entered into evidence, you  
 19 never submitted a rebuttal for any of them, correct?  
 20 A. Correct.  
 21 Q. You as a former UFT chapter chair and a  
 22 long time union member, you know that you have the  
 23 right to submit rebuttals to any letters to file,  
 24 correct?  
 25 A. Yes.

1 SEVERIN - CROSS - KIM  
 2 Q. Now with respect to teachers, staff members  
 3 of the school, isn't it true that the protocol is  
 4 that a staff member or an administrator sets foot off  
 5 the campus, you have to sign out?  
 6 A. Yes.  
 7 Q. Again, that applies not only to teachers,  
 8 but to Principal Dorcelly, AP Barnett, correct?  
 9 A. I don't know that.  
 10 Q. But for teachers you definitely are aware  
 11 of that correct?  
 12 A. Yes.  
 13 Q. With respect to chancellor's regulations as  
 14 a long time member you are aware of their various  
 15 different type of chancellor's regulations, correct?  
 16 A. Yes.  
 17 Q. And you know it's your responsibility to  
 18 read up on them and be aware of what the regulations  
 19 are?  
 20 MR. MASSENA: Objection your honor.  
 21 THE HEARING OFFICER: What's the basis  
 22 of your objection?  
 23 MR. MASSENA: I think the question is  
 24 over broad in terms of the chancellors. Is she  
 25 referring to a specific chancellor's regulation

1 SEVERIN - CROSS - KIM  
 2 or the -- [00:01]  
 3 THE HEARING OFFICER: Overruled.  
 4 A. Yes.  
 5 Q. With respect to at Urban Action Academy  
 6 there is a document that the school disseminated to  
 7 all staff members regarding students cellphone usage,  
 8 correct?  
 9 A. Yes.  
 10 Q. Is it your understanding that when it  
 11 comes to cellphones, students are allowed to bring  
 12 their cellphones, but they are not supposed to use it  
 13 during class time, correct?  
 14 A. Correct.  
 15 Q. For the 2014/2015 school year, did you have  
 16 a co-teacher then?  
 17 A. Yes.  
 18 Q. Who was the co-teacher?  
 19 A. I had Ms. Fagan, Mr. Zaike, that's it,  
 20 those two.  
 21 Q. For Ms. Fagan, which part of that 2014/2015  
 22 school year was she your co-teacher?  
 23 A. Both.  
 24 Q. Then Mr. Zaike, how do you spell his name?  
 25 A. Z, as in zebra A-I-K-E.

1 SEVERIN - CROSS - KIM  
 2 Q. For Mr. Zaike, for what part of the  
 3 2014/2015 school year?  
 4 A. Both.  
 5 Q. So you had two co-teachers?  
 6 A. For different classes. Ms. Fagan, Can I  
 7 elaborate?  
 8 Q. Please.  
 9 A. Ms. Fagan, for my global classes with  
 10 students with special needs and Mr. Zaike for the ELL  
 11 students.  
 12 Q. What is ELL?  
 13 A. English language learners.  
 14 MR. MASSENA: I would just ask for a  
 15 spelling of Zaike.  
 16 THE HEARING OFFICER: I think we did  
 17 it for the record.  
 18 MR. MASSENA: We did it, okay.  
 19 THE HEARING OFFICER: Do you need it  
 20 for your notes? Go ahead.  
 21 A. Z-A-I-K-E.  
 22 Q. Dr. Severin, you testified at length about  
 23 common planning meetings, correct?  
 24 A. Yes.  
 25 Q. Those are actually contractually mandated,

1 SEVERIN - CROSS - KIM  
 2 correct?  
 3 A. Correct.  
 4 Q. Attendance is mandatory?  
 5 A. Correct.  
 6 Q. Now you mentioned previously, you talked  
 7 about there was an allegation regarding you not  
 8 having submitted your midterm examinations, correct?  
 9 A. Correct.  
 10 Q. That was back in the last school year that  
 11 we finished 2015/2016, correct?  
 12 A. Correct.  
 13 Q. So it's your testimony and correct me if  
 14 I'm wrong, you said that the midterm exam was the  
 15 state mandated Mosul, correct?  
 16 A. Principal Dorcey wrote me up--  
 17 Q. [Interposing] My question to you, midterm  
 18 exam was that, it was the state Mosul exam, correct.  
 19 A. Principal Dorcey, yes.  
 20 Q. Now with respect to the Mosul exam, isn't  
 21 it true that all teachers have to administer the  
 22 Mosul exam?  
 23 A. Yes.  
 24 Q. So you as a social studies teacher had to  
 25 administer the Mosul to your students, correct?

1 SEVERIN - CROSS - KIM  
 2 A. Yes.  
 3 Q. Just going back to 2015/2016, for this  
 4 previous school year, who were your co-teachers?  
 5 A. Ms. Fagan and Ms. Burlingame.  
 6 Q. Was it the same sort of the arrangement  
 7 where both teachers, you had them for the entire  
 8 school year just for different periods?  
 9 A. Classes, yes.  
 10 Q. Now for this Mosul that you say that was  
 11 administered, it was roughly around November of last  
 12 year, correct? 2015?  
 13 A. Yes.  
 14 Q. With respect to the Mosul, again, you  
 15 administered the Mosul for your students correct?  
 16 A. Correct.  
 17 Q. For the last school year, 2015/2016, which  
 18 grades did you teach?  
 19 A. Tenth grade global as well as  
 20 constitutional law and criminology.  
 21 Q. When you administered the Mosul, it was for  
 22 those subjects and for your tenth grade students?  
 23 A. No, it was just for the global.  
 24 Q. When you are administering the Mosul exam,  
 25 tell us what you have to do when you are

1 SEVERIN - CROSS - KIM  
 2 administering that particular exam?  
 3 A. Basically, administration has different  
 4 personnel deliver the exam in stock and I'm supposed  
 5 to sort them out according to who is in the classroom  
 6 and it is presorted where if there are twelfth  
 7 graders in the class, there are twelfth graders exam  
 8 and I have to make sure that I disseminate, I assign  
 9 the right grade to each student.  
 10 Q. So when you were administering the Mosul  
 11 exam, isn't it also true that you were proctoring the  
 12 students?  
 13 A. Yes.  
 14 Q. Meaning you are the individual responsible  
 15 for making sure the students aren't cheating on the  
 16 exam, they are not talking to each other and making  
 17 sure that the exam that is administered properly,  
 18 correct?  
 19 A. Yes.  
 20 Q. For that Mosul, in November 2015, it was  
 21 your responsibility to make sure that it was  
 22 administered properly, correct?  
 23 A. Yes.  
 24 Q. In terms of that Mosul exam, what was the  
 25 format of the exam? Was it multiple choice, was it

1 SEVERIN - CROSS - KIM  
 2 something else?  
 3 A. I think it's a combination of both. Are  
 4 you, may I ask--  
 5 THE HEARING OFFICER: If you are not  
 6 clear about the question just say you are not  
 7 clear.  
 8 A. Okay, I'm not clear. Are you asking me  
 9 content of the exam?  
 10 Q. Not the content, but the format? Is it  
 11 multiple choice where you bubble in or is it  
 12 something else?  
 13 A. Combination of both often times.  
 14 Q. There is also a writing portion?  
 15 A. Yes.  
 16 Q. For this particular Mosul exam in November  
 17 of 2015, do you remember what the format was?  
 18 A. A combination of writing and multiple  
 19 choice.  
 20 Q. When you administered that Mosul exam, how  
 21 long did it take?  
 22 MR. MASSENA: Objection your honor --  
 23 [00:01].  
 24 THE HEARING OFFICER: Ms. Kim there is  
 25 an objection on the grounds of relevance. There

1 SEVERIN - CROSS - KIM  
 2 is the specific charge specifically  
 3 specification seven speaks to the Respondent's  
 4 failure to follow directive to submit his  
 5 midterm exam for feedback and review. Tell me  
 6 how the administration of the exam is relevant?  
 7 MS. KIM: I will withdraw that  
 8 question and I will speed it along.  
 9 Q. Now once the students were finished with  
 10 that Mosul exam, didn't they turn in the multiple  
 11 choice and the writing portion to you, correct?  
 12 A. Yes. I think it's a single booklet. It's  
 13 not two different.  
 14 Q. So whatever they were working on for the  
 15 exam, they handed that to you, correct?  
 16 A. Correct.  
 17 Q. You as the proctor and the administrator of  
 18 that Mosul exam for this class, wasn't it your  
 19 responsibility to submit it to the administration?  
 20 A. Administration sent personnel again to come  
 21 and collect them.  
 22 Q. Okay, but it was your responsibility to  
 23 make sure that the exam was submitted, correct?  
 24 MR. MASSENA: Objection, asked and  
 25 answered.

1 SEVERIN - CROSS - KIM  
 2 THE HEARING OFFICER: I will permit  
 3 the question.  
 4 A. Repeat please?  
 5 Q. It was your responsibility to make sure  
 6 that the exams were submitted, correct?  
 7 A. To administration?  
 8 Q. Yes.  
 9 A. It was collected and it was collected by  
 10 the person that was responsible to do that, yes.  
 11 Q. Who was that person?  
 12 A. I don't remember who exactly it was, but  
 13 the protocol is the same person who delivered the  
 14 exam to be given to the students, would go around  
 15 collecting them.  
 16 Q. So it's your testimony that once the  
 17 students finish their exam, you gave it to this  
 18 person, correct?  
 19 A. Correct.  
 20 Q. Do you know if this person actually gave it  
 21 to the administration?  
 22 A. You are asking me to determine--  
 23 Q. [Interposing] Do you know, to your  
 24 knowledge do you know if in fact the students midterm  
 25 exams were submitted to the administration.

1 SEVERIN - CROSS - KIM  
 2 A. I trust that it was, yes.  
 3 Q. But you don't know.  
 4 A. I don't know what other people do mam.  
 5 THE HEARING OFFICER: Can we go off  
 6 the record for a moment?  
 7 [OFF THE RECORD, 2:45:10]  
 8 [ON THE RECORD]  
 9 THE HEARING OFFICER: Alright, so we  
 10 are back on the record having cleared up a  
 11 matter that I believe required some additional  
 12 clarity. Ms. Kim are you ready to continue?  
 13 MS. KIM: Yes. Arbitrator Brown is  
 14 Dr. Severin still under oath?  
 15 THE HEARING OFFICER: Yes.  
 16 Q. Thank you. Dr. Severin as a teacher at  
 17 Urban assembly, each teacher is responsible for  
 18 administering a midterm exam and a final exam for  
 19 each semester, correct?  
 20 A. Yes.  
 21 Q. For the previous school year 2015/2016  
 22 isn't it true that the teachers had to administer a  
 23 midterm exam in about November of 2015?  
 24 A. Yes.  
 25 Q. In terms of midterm exams, each teacher,

1 SEVERIN - CROSS - KIM  
 2 isn't it true that each teacher when they formulate a  
 3 midterm exam before they administer it to their  
 4 students, each teacher has to submit the exam to an  
 5 administrator for review and feedback, correct?  
 6 A. Correct.  
 7 Q. For the November 2015 midterm exam, you did  
 8 not do so, correct? You did not submit a midterm  
 9 exam for review and feedback to an administrator,  
 10 correct?  
 11 A. No.  
 12 Q. So your answer is no?  
 13 A. May I be allowed to answer?  
 14 THE HEARING OFFICER: I think it's a  
 15 yes or no question Dr. Severin. You can have  
 16 counsel to ask you additional questions at the  
 17 end of the cross examination.  
 18 A. Yes sir.  
 19 THE HEARING OFFICER: Do you have an  
 20 answer on the record to your question, the yes  
 21 or no answer?  
 22 Q. I just want to clarify. So the answer is  
 23 no you did not submit a midterm exam for review and  
 24 feedback to an administrator correct?  
 25 A. It was submitted.

1 SEVERIN - CROSS - KIM  
 2 Q. But you just testified no that you didn't.  
 3 A. I'm sorry. The question you are asking is  
 4 a yes or no, right, but remember I have co-teacher.  
 5 It was submitted to the principal.  
 6 Q. I'm talking about the midterm exam. So  
 7 it's your testimony that you submitted the midterm  
 8 exam to the principal for review and feedback prior  
 9 to your administering that exam to your students? Is  
 10 that your testimony?  
 11 A. It was submitted to the principal.  
 12 Q. Who submitted it?  
 13 A. Ms. Fagan my co-teacher.  
 14 Q. When?  
 15 A. Ms. Kim, I don't have the exact date in  
 16 time, but a midterm exam was administered to the  
 17 student for that time.  
 18 Q. Okay, but I'm not talking about the actual  
 19 administration of the midterm exam. So your  
 20 testimony is you yourself did not submit a midterm  
 21 exam to an administrator, correct?  
 22 A. Correct.  
 23 Q. Now Dr. Severin as a long time teacher I'm  
 24 sure you are aware that all teachers have to have  
 25 lesson plans prepared, correct?

1 SEVERIN - CROSS - KIM  
 2 A. Yes.  
 3 Q. What were your hours for that day?  
 4 A. I don't remember the exact day, if it was,  
 5 allow me to say on Monday and Tuesday. Monday we  
 6 have one hour. Tuesday we have another hour.  
 7 Wednesday through Friday we have a different one. So  
 8 I don't know which one it is exactly, but so if I was  
 9 to say from 8:10 to at least 2:30.  
 10 Q. Okay, so 12:20 p.m., that was not during  
 11 that time period. So back in the last school year  
 12 2015/2016, you never ended your school day at 2:20  
 13 p.m., correct?  
 14 THE HEARING OFFICER: 2:20 or 12:20?  
 15 MS. KIM: 12:20 p.m. thank you.  
 16 A. No.  
 17 Q. If I can have the witness look at  
 18 specification one Mr. Massena. Please look at  
 19 specification one and let me know when you are  
 20 finished Dr. Severin.  
 21 A. Yes.  
 22 Q. Okay, so on that day, when you left you  
 23 still had period seven for prep and period eight,  
 24 your constitutional law still pending, correct?  
 25 A. Yes.

1 SEVERIN - CROSS - KIM  
 2 A. Correct.  
 3 Q. And that actually isn't just an option,  
 4 it's something that's contractually mandated,  
 5 correct?  
 6 A. Correct.  
 7 Q. Would you agree with me that the purpose of  
 8 having a lesson plan always ready is for, so each  
 9 teacher can be prepared when they are teaching daily  
 10 lessons, correct?  
 11 A. Correct.  
 12 Q. In the event that an administrator doesn't  
 13 walk through an observation at any given time an  
 14 administrator can come to your classroom and if you  
 15 have a lesson plan ready then the administrator is  
 16 aware of what's going on in the class, correct?  
 17 A. Correct.  
 18 Q. A part of a teachers pedagogy is having the  
 19 lesson plan always available, correct?  
 20 A. Correct, with some latitude.  
 21 Q. I didn't ask about latitude, but thank you.  
 22 Now back on April 4, 2016, I'm looking at  
 23 specification one Arbitrator Brown. So it's your  
 24 testimony that on that day, you left school early  
 25 around 12:20 p.m.?

1 SEVERIN - CROSS - KIM  
 2 Q. When you left that day, you did not tell  
 3 the principal or any of the AP's that you were  
 4 leaving early that day, correct?  
 5 A. The principal was informed.  
 6 Q. That wasn't my question. You did not tell  
 7 the principal or any of the AP's that you were  
 8 leaving early that day, correct?  
 9 A. No.  
 10 THE HEARING OFFICER: No, it's not  
 11 correct or no you didn't. I don't understand  
 12 your answer.  
 13 A. No, I did not tell them.  
 14 Q. Now looking at specification two Dr.  
 15 Severin. Please take a look at that specification  
 16 and let me know when you are ready.  
 17 A. Yes. Specification two?  
 18 Q. Yes.  
 19 A. Yes.  
 20 Q. You have had a chance to look at that?  
 21 A. Yes.  
 22 Q. Now on that date, your testimony was that  
 23 you were out in the hallway conferencing with a  
 24 student, correct?  
 25 A. Correct?

1 SEVERIN - CROSS - KIM  
 2 Q. Who was that student?  
 3 A. I do not remember the student name.  
 4 Q. What were you conferencing with the  
 5 student?  
 6 A. I do not remember the content of that  
 7 conference.  
 8 Q. How long were you out in the hallway with  
 9 the student conferencing?  
 10 A. I did not time, but no more than two or  
 11 three minutes.  
 12 Q. Now with respect to, so your testimony is  
 13 on that day, whatever was going on in the classroom  
 14 was not your responsibility--  
 15 MR. MASSENA: Objection, that's not  
 16 his testimony your honor.  
 17 THE HEARING OFFICER: I'm going to  
 18 sustain as to the form of the question. I don't  
 19 think that was his testimony.  
 20 Q. Now you were outside in the hallway and I  
 21 believe you said was it Ms. Burlingame who was in the  
 22 classroom?  
 23 A. Yes.  
 24 Q. If you are not in your classroom does that  
 25 mean you are not responsible for happens in your

1 SEVERIN - CROSS - KIM  
 2 classroom?  
 3 A. I don't understand the question.  
 4 Q. I will withdraw that. Now you testified  
 5 that while you were talking to the student, the  
 6 principal came by, correct?  
 7 A. He was passing in the hallway.  
 8 Q. Other than Principal Dorcelly was there  
 9 anyone else who was passing by in the hallway at the  
 10 time you were conferencing with the student?  
 11 A. The other person that approached me was  
 12 Principal Dorcelly.  
 13 Q. What did Principal Dorcelly, he spoke to you  
 14 about the cellphone usage in the class by the  
 15 students at that time?  
 16 A. He ask me was I aware that students were  
 17 using their phones in the room and I informed him Ms.  
 18 Burlingame is in there. I'm not aware of that. I was  
 19 already outside as mentioned earlier.  
 20 Q. So your testimony is you had no idea that  
 21 students were using their cellphones in class?  
 22 MR. MASSENA: Objection your honor.  
 23 THE HEARING OFFICER: Overruled.  
 24 A. I was outside with the student and as I was  
 25 conferencing with the student, Ms. Burlingame was in

1 SEVERIN - CROSS - KIM  
 2 charge of the class. I couldn't see what was going  
 3 on.  
 4 Q. So it's your testimony you were not aware?  
 5 A. No, I was not aware.  
 6 THE HEARING OFFICER: One at a time  
 7 please when you are answering questions and  
 8 asking questions.  
 9 Q. Now there was a student named Student B in  
 10 your class, correct?  
 11 A. Yes.  
 12 Q. There was also Student C?  
 13 A. Yes.  
 14 Q. And both students were in class at that  
 15 time when the allegation of the students using their  
 16 cellphones took place, correct?  
 17 A. I don't know.  
 18 Q. With Student B and Student C you had no  
 19 issues with those students?  
 20 MR. MASSENA: Objection your honor,  
 21 relevance.  
 22 THE HEARING OFFICER: Ms. Kim what is  
 23 the relevance?  
 24 MS. KIM: The students, there is in  
 25 evidence, two statements written by each of the

1 SEVERIN - CROSS - KIM  
 2 students.  
 3 MR. MASSENA: Actually your honor I  
 4 know Ms. Kim was not present for the testimony.  
 5 Certain statements by the students were marked  
 6 and they are not in evidence and I will request  
 7 permission, I will just draw Ms. Kim's attention  
 8 to Student B from--  
 9 THE HEARING OFFICER: [Interposing]  
 10 Which exhibits?  
 11 MR. MASSENA: To Student B from--  
 12 THE HEARING OFFICER: [Interposing]  
 13 Which exhibits, counselor?  
 14 MR. MASSENA: This is exhibit--  
 15 MS. KIM: [Interposing] I think  
 16 Department's 12.  
 17 MR. MASSENA: Department's 12? I have  
 18 it as 13. You have it as 12?  
 19 MS. KIM: Yeah I have it as 12 and  
 20 then 13 I have--  
 21 MR. MASSENA: [Interposing] Yeah, 12,  
 22 yeah I'm sorry. It's 12. So Department's 12,  
 23 Student B and again, obviously the arbitrator  
 24 can correct if I'm, incorrect, correct me if I'm  
 25 incorrect. From law, everything from law was

1 SEVERIN - CROSS - KIM  
 2 crossed out and is not in evidence.  
 3 MS. KIM: Okay.  
 4 THE HEARING OFFICER: That's correct.  
 5 That's fine. My exhibit reflects for the first  
 6 page of Department 12.  
 7 MS. KIM: And in the exhibits I also  
 8 see a brief statement by Student C. Was that  
 9 entered into evidence?  
 10 THE HEARING OFFICER: That's in  
 11 evidence and not redacted.  
 12 MS. KIM: Okay.  
 13 MR. MASSENA: One second.  
 14 THE HEARING OFFICER: Ms. Kim, would  
 15 you like to go off the record?  
 16 MS. KIM: Oh no. I was just waiting  
 17 for--  
 18 THE HEARING OFFICER: [Interposing] No  
 19 I think we're on the record.  
 20 MS. KIM: Okay, okay--  
 21 MR. MASSENA: [Interposing] I think  
 22 she's waiting for a ruling.  
 23 THE HEARING OFFICER: I'm sorry. I  
 24 did not know that there was an issue before me  
 25 for a ruling. Forgive me. The issue is your

612

1 SEVERIN - CROSS - KIM  
 2 credibilities of these students. We have in  
 3 evidence these two statements that were taken  
 4 and I believe it's relevant to show in terms of  
 5 credibility if there was any sort of issue or --  
 6 [00:01] between Dr. Severin and the students.  
 7 THE HEARING OFFICER: All right. Let  
 8 me just take a moment to review Department's 12.  
 9 I'm going to sustain the objection. I  
 10 had commented earlier when Department 12 was  
 11 admitted into evidence that hearsay is generally  
 12 admissible but is not going to be deposited when  
 13 it comes to sustaining any particular  
 14 specification in this matter. And, but I did  
 15 permit the document into evidence subject to  
 16 some kind of connection in the future. But for  
 17 that reason generally speaking, I'm going to  
 18 sustain the objection on the grounds of  
 19 relevance.  
 20 MS. KIM: Okay.  
 21 Q. Now, Dr. Severin, the students' statements  
 22 that are in evidence, you've had an opportunity to  
 23 look at them, correct?  
 24 A. I don't remember.  
 25 Q. Specifically if I could, Mr. Massena could

614

1 SEVERIN - CROSS - KIM  
 2 objecting to the testimony on the grounds of  
 3 relevance?  
 4 MR. MASSENA: On the ground that I  
 5 believe Ms. Kim was about to question Dr.  
 6 Severin as to statements that are not in the  
 7 record and have been stricken.  
 8 THE HEARING OFFICER: There were  
 9 issues between the Respondent and two particular  
 10 students. I thought that perhaps this had  
 11 cleared up the issue, forgive me for the delay.  
 12 MS. KIM: That's all right.  
 13 THE HEARING OFFICER: So your proffer  
 14 as to relevance is what precisely, Ms. Kim?  
 15 MS. KIM: I--  
 16 THE HEARING OFFICER: [Interposing]  
 17 You said that there were two statements in  
 18 direct.  
 19 MS. KIM: Sure.  
 20 THE HEARING OFFICER: Concerning each  
 21 of these, there were two statements concerning  
 22 these two students.  
 23 MS. KIM: Sure. My purpose in asking  
 24 questions about whether or not Dr. Severin had  
 25 any issue with these students goes to

613

1 SEVERIN - CROSS - KIM  
 2 you show him Student B's statement?  
 3 MR. MASSENA: Okay.  
 4  
 5 Q. Now Dr. Severin, isn't it true that--  
 6 A. [Interposing] Ma'am I'm sorry.  
 7 Q. Sorry, go ahead.  
 8 A. Let me look through it.  
 9 MR. MASSENA: And I'll just remind the  
 10 Respondent that, I'll just remind the Respondent  
 11 that after law everything else is stressing.  
 12 MR. SEVERIN: Yes.  
 13 A. Okay.  
 14 Q. You finished.  
 15 A. I'm sorry, what was the question?  
 16 Q. Okay just, looking at Student B's statement  
 17 do you see where she has written, second sentence,  
 18 "Dr. Severin was", I don't know what that word  
 19 is, "Disgrading" the principal. He said that he was  
 20 not allowed to take our cell phone. It's against the  
 21 law."  
 22 Isn't it true that that's what you said to  
 23 Principal Dorcelly at that time?  
 24 MR. MASSENA: Objection, I don't know  
 25 it can even be read that way. I'm not how that

615

1 SEVERIN - CROSS - KIM  
 2 can be read.  
 3 THE HEARING OFFICER: Well what  
 4 specifically are you asking the witness with  
 5 regard to if in fact he said that to the  
 6 principal? Why don't you just identify that  
 7 part--  
 8 MS. KIM: [Interposing] Okay.  
 9 THE HEARING OFFICER: Of the  
 10 statement.  
 11 MS. KIM: It should be, it's actually,  
 12 it starts at the third line after the word  
 13 "phone" and then "Dr. Severin" and then all the  
 14 way to, "against the law" and then everything  
 15 else is redacted after that. So that's the  
 16 particular sentence that I'm looking at.  
 17 MR. SEVERIN: Am I still responding?  
 18 THE HEARING OFFICER: I'm not sure  
 19 because I'm not sure, I apologize, I don't mean  
 20 to belabor this point but I'm just not certain I  
 21 understand the question. Are you asking the  
 22 Respondent if he said something in particular to  
 23 the principal? Or whether he said it to  
 24 students about the principal? I don't really  
 25 follow the question.

616

1 SEVERIN - CROSS - KIM  
 2 It's against the law, correct?  
 3 MR. MASSENA: I'm actually going to  
 4 object, Your Honor, simply because I feel as to  
 5 form this is a hearsay statement offered by an  
 6 individual who did not testify here. In  
 7 essence, the Department is asking the, Dr.  
 8 Severin to interpret the witnesses statement. I  
 9 actually read this completely different. I read  
 10 it as Doctor, that Student B is stating Dr.  
 11 Severin was disregarding the principal and the  
 12 principal said that it's against the law. I  
 13 don't know how to, how does the composition of  
 14 this, I don't think it's a fair question to ask  
 15 the Respondent.  
 16 THE HEARING OFFICER: I recognize that  
 17 it's hearsay evidence. I do believe the  
 18 Department has the right to ask the witness, the  
 19 Respondent, whether or not he made a certain  
 20 statement to the principal. He has answered in  
 21 the negative. I don't think there's anything  
 22 further that we can pursue with regard to this.  
 23 MS. KIM: I'll move on.  
 24 Q. Now, okay. Now Dr. Severin, with respect  
 25 to the common planning meetings you said that for

618

1 SEVERIN - CROSS - KIM  
 2 MS. KIM: I will rephrase it.  
 3 THE HEARING OFFICER: Okay.  
 4 Q. Now, that day when you say that you were  
 5 out in the hallway conferencing with the student. and  
 6 the principal walked by, he spoke to you. Didn't he  
 7 speak to you about there being cell phone usage in  
 8 the classroom?  
 9 Q. Okay. And isn't it true that you  
 10 responded, you said to the principal that Principal  
 11 Dorcelly was not allowed to take the student's cell  
 12 phones, that it was against the law?  
 13 A. No.  
 14 Q. You never said that?  
 15 A. No.  
 16 Q. Okay. But as you can see here, Student B  
 17 has it written in her statement, correct?  
 18 A. I was not in the room.  
 19 Q. I'm not asking you whether you were in the  
 20 room--  
 21 A. [Interposing] I don't understand the  
 22 question, I'm sorry.  
 23 Q. But it's written in her statement, right?  
 24 A. Yes.  
 25 Q. He was not allowed to take our cell phone.

617

1 SEVERIN - CROSS - KIM  
 2 specification three and five the dates for which you  
 3 are alleged to have failed to attend the common  
 4 planning meetings. It was your testimony that you  
 5 did attend those meetings, correct?  
 6 A. I'm sorry. Repeat that.  
 7 Q. For specification three and five, if I  
 8 could have the witness look at it.  
 9 MR. MASSENA: Sure.  
 10 Q. The specifications, thank you Mr. Massena.  
 11 Specification three.  
 12 A. Yes.  
 13 Q. And specification five.  
 14 A. Yes.  
 15 Q. Please look at those, okay? So correct me  
 16 if I'm wrong, Dr. Severin, but when Mr. Massena was  
 17 asking you questions I believe you testified that did  
 18 attend those meeting, correct?  
 19 A. Correct.  
 20 Q. So you never missed a single one of them?  
 21 A. I have missed some, a couple  
 22 Q. How many?  
 23 A. I don't remember.  
 24 Q. Okay and when you say a couple you say you  
 25 missed two only?

619



1 SEVERIN - CROSS - KIM  
 2 A. If you interpret couple to mean two--  
 3 THE HEARING OFFICER: [Interposing]  
 4 What do you mean by that?  
 5 A. I don't have an exact number. Okay? I  
 6 don't have an exact number.  
 7 Q. Can you approximate how many you didn't--  
 8 A. [Interposing] I'm unable to do that.  
 9 Q. Okay. But you would agree with me when  
 10 someone says couple, the common plain, meaning of the  
 11 word is two, correct?  
 12 MR. MASSENA: Objection.  
 13 Argumentative, Your Honor.  
 14 THE HEARING OFFICER: I think it is  
 15 counsel. I mean, he's stated that he doesn't  
 16 know exactly how many.  
 17 MS. KIM: Okay.  
 18 THE HEARING OFFICER: I did hear him  
 19 initially use the word couple and then he had  
 20 some further testimony.  
 21 Q. Was it you missed less than five meetings?  
 22 A. I'm sorry?  
 23 Q. Did you not attend less than five--  
 24 A. [Interposing] I do not have a number in my  
 25 head as to how many.

1 SEVERIN - CROSS - KIM  
 2 Q. Okay. Now for each of the common planning  
 3 meetings, every time one was convened there were sign  
 4 in sheets, correct?  
 5 A. Correct.  
 6 Q. And if you attended a common planning  
 7 meeting you would sign your name saying I attended,  
 8 correct?  
 9 A. Correct, but several--  
 10 Q. [Interposing] Okay so that's a yes or no,  
 11 yes.  
 12 A. Oh, oh, correct, yes.  
 13 Q. Okay.  
 14 A. I'm sorry.  
 15 Q. And you were here when I didn't note if it  
 16 was Principal Dorcely or the AP, there were several  
 17 numerous sign in sheets for the common planning  
 18 meetings that were entered into evidence. Do you  
 19 recall that?  
 20 A. Yes.  
 21 Q. Okay. And just as an example I want to  
 22 show the witness Department Exhibit number 14.  
 23 MR. MASSENA: Okay.  
 24 Q. Now with respect to that meeting, Dr.  
 25 Severin, that was for a common planned meeting that

1 SEVERIN - CROSS - KIM  
 2 was scheduled for, excuse me let me see, December  
 3 23rd, 2015 correct?  
 4 A. Correct.  
 5 Q. And that's evidenced by the hand written  
 6 date on the upper left hand corner?  
 7 A. Correct.  
 8 Q. And you see your name is typed in the first  
 9 column on the left-hand side?  
 10 A. Yes.  
 11 Q. And do you see how in narrative it says  
 12 "abs" and that stands for "absent", correct?  
 13 A. Correct.  
 14 Q. Slash did not attend.  
 15 A. Correct.  
 16 Q. So wouldn't it be fair to say that you did  
 17 not show up for that meeting?  
 18 A. No it's not fair.  
 19 Q. Oh you did show up for that meeting.  
 20 A. Yes.  
 21 Q. Oh you did, okay.  
 22 A. There was no meeting at that time.  
 23 Q. There was no meeting at all?  
 24 A. No one attended. I spent five minutes in  
 25 that room by myself and then when I left this I

1 SEVERIN - CROSS - KIM  
 2 strongly believe that it was fabricated. The date  
 3 may have been inappropriately upgraded.  
 4 Q. Who fabricated it?  
 5 A. I'm not aware. I'm not at liberty to  
 6 explain who or know who. But I know I was in room  
 7 101 12/23 which was the day before we went on the  
 8 break. And when I finished, I walk away. I went by  
 9 and then we had a party that day at school.  
 10 Q. Okay.  
 11 A. Yes.  
 12 Q. Okay. So it's your testimony that this  
 13 document here which says that you, someone wrote  
 14 "absent/did not attend". This was fabricated?  
 15 A. I'm assuming it was, yes.  
 16 Q. Okay. But you don't know who did it?  
 17 A. I'm not at liberty to know who.  
 18 Q. You've seen this document before, correct?  
 19 A. It was shown to me here, yes.  
 20 Q. Okay. And you saw the other documents in  
 21 evidence that were entered in, entered by either the  
 22 principal or AP Barnett regarding the numerous other  
 23 common planning meetings where you are alleged to  
 24 have been absent from, correct?  
 25 A. Correct.

Sheet 43

624

1 SEVERIN - CROSS - KIM  
 2 Q. Okay. And so that would be Department  
 3 Exhibit number 18.  
 4 THE HEARING OFFICER: Do you want to  
 5 take a look at that one, or -- [00:01].  
 6 Q. So I would have the witness look at, I  
 7 think it's starting from October 15, 2015.  
 8 A. I am aware--  
 9 Q. [Interposing] Okay, just--  
 10 THE HEARING OFFICER: [Interposing]  
 11 Wait for a question.  
 12 MR. SEVERIN: Oh, I'm sorry.  
 13 THE HEARING OFFICER: -- [00:01].  
 14 Q. So the documents that have been entered  
 15 into evidence, this batch of document, you've seen  
 16 them before testifying today, right?  
 17 A. Correct.  
 18 Q. And you would agree with me that a number  
 19 of these documents, the sign in sheets have you  
 20 listed as absent, correct?  
 21 A. Correct.  
 22 Q. So why does it have you listed as absent if  
 23 you attended the vast majority of these meetings  
 24 except for perhaps, maybe a couple or so that you say  
 25 you did not attend?

625

1 SEVERIN - CROSS - KIM  
 2 A. Because I was being disciplined by  
 3 Principal Dorcely or Ms. Barnett.  
 4 Q. For, so in this batch of documents, if you  
 5 were marked absent it's because you were being  
 6 disciplined by the principal or the AP?  
 7 A. Most likely.  
 8 Q. Most likely? Are you guessing?  
 9 A. Yes.  
 10 MR. MASSENA: Objection, Your Honor.  
 11 A. I mean am I guessing, the answer is I was  
 12 being disciplined by the principal or the assistant  
 13 principal.  
 14 Q. For every single one of the dates  
 15 represented here where you are marked absent, is that  
 16 your testimony?  
 17 A. No.  
 18 Q. Okay. So which dates were being  
 19 disciplined and which dates were you not?  
 20 A. May I have the document to refresh my  
 21 memory? If I'm not mistaken, there were several item  
 22 that were entered into evidence regarding  
 23 disciplinary meeting and their dates. Those dates  
 24 could be cross referenced.  
 25 Q. While that's being done, these common plan

626

1 SEVERIN - CROSS - KIM  
 2 meetings, what period were they held?  
 3 A. Sixth period.  
 4 Q. Okay. And what period did you have the  
 5 disciplinary meetings--  
 6 A. [Interposing] Sixth period.  
 7 Q. Okay. So for the entire sixth period for  
 8 any of these entries, sign in sheets, you were at a  
 9 disciplinary with the principal or the AP. That's  
 10 why you couldn't attend the common planning meeting.  
 11 That's your testimony?  
 12 A. Yes.  
 13 Q. Okay. So for these stack of sign in  
 14 sheets, the absences, you're saying, they were not,  
 15 the word absence wasn't written there. They were  
 16 fabricated by anyone?  
 17 A. No but December 23rd I know I was at that  
 18 common planning meeting December 23rd but there was  
 19 no one there.  
 20 MR. MASSENA: Okay. May we go off  
 21 the record for a moment?  
 22 THE HEARING OFFICER: Sure, let's go  
 23 off the record.  
 24 [OFF THE RECORD, conference, 03:11:17]  
 25 [ON THE RECORD, conference, 03:11:17]

627

1 SEVERIN - CROSS - KIM  
 2 THE HEARING OFFICER: All right, we're  
 3 back on the record. Ms. Kim?  
 4 Q. Yes, just one moment please. Now Dr.  
 5 Severin, going back to, it was specification one  
 6 where you were accused of signing out and leaving the  
 7 school building without approval at approximately  
 8 12:20 p.m.  
 9 Now, you attended a disciplinary meeting with  
 10 Principal Dorcely and Mark Satchell, correct?  
 11 A. Yes.  
 12 Q. Okay. And at that time you were given an  
 13 opportunity to respond to the allegation?  
 14 A. Yes.  
 15 Q. And at that time, you did not bring up at  
 16 the meeting that you had told Ms. Towns, correct?  
 17 A. I'm sorry?  
 18 Q. At the meeting with Principal Dorcely and  
 19 the UFT rep, Mr. Satchell, you did not bring up at  
 20 that meeting what you were alleging that you told Ms.  
 21 Towns that you were leaving early that day, correct?  
 22 A. Yes, I did.  
 23 Q. You did bring it up?  
 24 A. Yes.  
 25 Q. Okay. But you see this letter, Department

1 SEVERIN - CROSS - KIM  
 2 number four. You've seen this before, correct?  
 3 A. Yes.  
 4 Q. And we've already established that even  
 5 though you claim that's what you said, you never  
 6 submitted a rebuttal, correct?  
 7 A. Correct.  
 8 Q. Okay. Now, you mentioned that for the  
 9 common planning meetings the purpose of that was for  
 10 teachers who teach the same subject matter to get  
 11 together to collaborate, right?  
 12 A. Yes.  
 13 Q. And for, obviously for pedagogical reasons,  
 14 correct?  
 15 A. Yes.  
 16 Q. Okay. And you testified that there were  
 17 teachers there who were, I think you used the word  
 18 "illegally" working on other things other than what  
 19 you would work on at a common planning meeting,  
 20 correct?  
 21 A. I do not remember if I said "illegally" but  
 22 yes, there were teachers there doing other things  
 23 other than common planning.  
 24 Q. So other things, they were doing other  
 25 things at the common planning meeting that they

628

1 SEVERIN - CROSS - KIM  
 2 weren't supposed to be doing, correct?  
 3 A. According to the circle of six, yes  
 4 correct.  
 5 Q. According to the contract?  
 6 A. Yes.  
 7 Q. Okay. Did you report any of them?  
 8 A. It's not my role to do that, no.  
 9 Q. It's not your role to--  
 10 MR. MASSENA: [Interposing] Objection,  
 11 Your Honor.  
 12 MS. KIM: Report other teachers for  
 13 misconduct?  
 14 MR. MASSENA: Relevant.  
 15 THE HEARING OFFICER: There's an  
 16 objection. Ms. Kim it seems a little bit of a  
 17 stretch to be asking the witness with regard to  
 18 these particular charges and specifications  
 19 whether or not he has an obligation to report  
 20 other teachers. Do you want to be heard on  
 21 this?  
 22 MS. KIM: I'll withdraw.  
 23 THE HEARING OFFICER: Okay.  
 24 MS. KIM: It's not a problem.  
 25 Q. Now with respect to, for this particular

629

1 SEVERIN - CROSS - KIM  
 2 past school year, 15/16, each class period is  
 3 approximately how many minutes long?  
 4 A. Forty-five to 47 minutes with the first,  
 5 oh--  
 6 THE HEARING OFFICER: [Interposing]  
 7 Just keep your voice up please.  
 8 A. Forty-five to 47 minutes with the first  
 9 period being, I think, 53 minutes, 6 minutes for  
 10 announcements.  
 11 Q. Okay. And for the last school year is it  
 12 fair to say that each school day, Monday through  
 13 Friday, was approximately eight periods or so?  
 14 A. Yes.  
 15 Q. Okay. And so would you agree with me as a  
 16 longtime educator, it's important for teachers to use  
 17 every single minute of each period for instruction?  
 18 A. Definitely.  
 19 Q. Okay. I'm sorry. Just bear with me, I  
 20 apologize. Okay. Now Mr. Massena asked you about  
 21 another allegation with specification six where it's  
 22 alleged that on November 12, 2015 the allegation is  
 23 that you left the school building during the school  
 24 day without signing the teacher log in the main  
 25 office. And your testimony was that, the reason why

630

1 SEVERIN - CROSS - KIM  
 2 you didn't sign the teacher log is because you did  
 3 not leave that day.  
 4 A. Correct.  
 5 Q. So it's your testimony that from the start  
 6 of that school day until the end of that school day,  
 7 until the last period finished, you never left the  
 8 school?  
 9 A. Correct.  
 10 Q. Okay. Now another allegation that Mr.  
 11 Massena spoke to you about, I think you had mentioned  
 12 that on a particular, withdrawn. There was an  
 13 allegation where you are alleged to have allowed a  
 14 student to re-enter the building. Instead of using  
 15 the main entrance where security is you allegedly  
 16 allowed the student to re-enter through exit one and  
 17 two. Are you familiar with that allegation?  
 18 A. -- [00:01], yes.  
 19 Q. You're aware, correct? Okay. And, okay,  
 20 so at the main entrance there is security posted  
 21 there, correct?  
 22 A. Correct.  
 23 MR. MASSENA: Objection, beyond the  
 24 scope.  
 25 THE HEARING OFFICER: I think that

631

1 SEVERIN - CROSS - KIM  
 2 this is charged misconduct and I do believe that  
 3 the Department has a right to cross examine on  
 4 it. And I'm going to permit the question.  
 5 MR. MASSENA: If I could just expound  
 6 on my objection.  
 7 THE HEARING OFFICER: Yes, please.  
 8 MR. MASSENA: During direct testimony  
 9 there was, actually during direct testimony  
 10 there was no direct evidence regarding this  
 11 particular specification. The principal  
 12 testified that he spoke to, he spoke to  
 13 Principal Minchalina [phonetic] and he also  
 14 testified that he spoke to Assistant Principal  
 15 Barnett. But he testified that he did not  
 16 observe the actual incident and he also  
 17 testified that he did not see the video.  
 18 And as Your Honorable Arbitrator said  
 19 the arbitrator will not make a, will not  
 20 substantiate a specification based totally on  
 21 hearsay. Therefore, for those reasons, I  
 22 believe and especially considering the very  
 23 limited direct that I presented for this  
 24 particular specification. I believe any cross  
 25 into the underlying facts or the underlying

632

1 SEVERIN - CROSS - KIM  
 2 allegations are inappropriate for cross.  
 3 THE HEARING OFFICER: I disagree.  
 4 Once a Respondent chooses to testify in this  
 5 forum he is opening himself up to cross  
 6 examination. The Respondent had a choice to  
 7 make at the outset whether to testify or not to  
 8 testify. That is his choice.  
 9 Having made the decision to testify,  
 10 I, the Department at this point may cross  
 11 examine in regards to the charges in  
 12 specifications. Ms. Kim?  
 13 Q. Yes, thank you. Now again, repeating, at  
 14 the main entrance there is security posted, correct?  
 15 A. Correct.  
 16 Q. And for this past school year, specifically  
 17 in November of 2015, how many officers or school  
 18 safety agents were posted at the main entrance?  
 19 A. I do not know.  
 20 Q. Okay. Was there at least one?  
 21 A. I do not know.  
 22 Q. There was security at the main entrance,  
 23 correct?  
 24 A. I do not know I was not at the main  
 25 entrance.

633

1 SEVERIN - CROSS - KIM  
 2 Q. So, okay. Going, the two years that you  
 3 were assigned to Urban Action Academy, how did you  
 4 get into the school?  
 5 A. Walked in the main entrance.  
 6 Q. Okay so you are familiar with where the  
 7 main entrance is, correct?  
 8 A. Correct.  
 9 Q. Okay. So let me ask you again. So for the  
 10 two years or so that you've been assigned to Urban  
 11 Academy--  
 12 A. [Interposing] Okay.  
 13 Q. You walk through the main entrance every  
 14 day, correct?  
 15 A. Correct, yeah.  
 16 Q. And it's fair to say that when you leave  
 17 the school day you also walk out of the main  
 18 entrance, correct?  
 19 A. Correct.  
 20 Q. So, how many security or school safety  
 21 agents were posted at the main entrance?  
 22 A. Oh, at least, one.  
 23 Q. Okay.  
 24 A. Yes.  
 25 Q. And isn't it true that the reason why

634

1 SEVERIN - CROSS - KIM  
 2 there's a security officer or a school safety agent  
 3 posted there is to make sure that no one is  
 4 trespassing, correct?  
 5 A. Correct.  
 6 Q. And that also with security being an issue,  
 7 the security officer is also there to make sure that  
 8 students or other staff members or anyone entering  
 9 the building is not bringing any contraband with  
 10 them, correct?  
 11 A. Correct.  
 12 Q. Okay. And during the two years that you  
 13 have been assigned to Urban Academy, everyone, staff  
 14 members, administrators, students, any guests who  
 15 came to the school, they all have to go through the  
 16 main entrance, correct?  
 17 A. Correct.  
 18 Q. Okay. Dr. Severin, you're familiar with a  
 19 student named Student D?  
 20 A. Yes.  
 21 Q. Okay. Was this student in your class?  
 22 A. Yes.  
 23 Q. Okay. Student D is a boy?  
 24 A. Girl.  
 25 Q. A girl, okay. Now it's your testimony, so

635

1 SEVERIN - CROSS - KIM  
 2 on November 4, 2015 you did not allow Student D to,  
 3 instead of going through the main entrance you did  
 4 not allow her to use exit one and two?  
 5 A. Correct.  
 6 Q. And you did not tell Student D that she can  
 7 go with you so that she can get her phone at the end  
 8 of the fire drill?  
 9 A. Correct.  
 10 Q. Okay, you did not say that?  
 11 A. I did not say that.  
 12 Q. But on that date there was, was there a  
 13 fire drill?  
 14 A. Yes.  
 15 Q. Okay. Now Dr. Severin, you've testified  
 16 that for the allegations where you were accused of  
 17 failing to contact the main office or an immediate  
 18 supervisor to inform them of your being absent you  
 19 said, I believe I'm just paraphrasing your testimony,  
 20 that you did fulfill your responsibility by  
 21 contacting sub-central?  
 22 A. Yes.  
 23 Q. Okay. And how long have you been with the  
 24 DOE?  
 25 MR. MASSENA: Objection, asked and

1 SEVERIN - CROSS - KIM  
 2 answered, Your Honor.  
 3 THE HEARING OFFICER: Oh that's okay.  
 4 A. Since 1996.  
 5 Q. Okay. So you've been with the DOE for  
 6 approximately 20 years?  
 7 A. Yes.  
 8 Q. Okay. And prior to coming to Urban  
 9 Academy, or you're saying while at Urban Academy you  
 10 were not told that if you're going to be absent from  
 11 school that you are to reach out to the main office  
 12 or to an immediate supervisor?  
 13 A. Please explain--  
 14 Q. [Interposing] Okay. If it's confusing let  
 15 me rephrase.  
 16 A. Yeah.  
 17 Q. So the two years that you've been at Urban  
 18 Academy no one told you, principal, APs, no one said  
 19 to you or put you on notice that if you are going to  
 20 be absent from work that you are to notify them or  
 21 someone in the main office?  
 22 A. I was instructed to contact sub-central,  
 23 yes, by the principal.  
 24 Q. That was not my question. My question to  
 25 you was during the two years that you've been at

1 SEVERIN - CROSS - KIM  
 2 Urban Academy, so the principal and none of the APs  
 3 informed you or other staff members that if you're  
 4 going to be absent from work that you have to reach  
 5 out to the main office or to a supervisor?  
 6 MR. MASSENA: Objection as to form.  
 7 THE HEARING OFFICER: Well do you  
 8 understand the question?  
 9 MR. SEVERIN: No.  
 10 THE HEARING OFFICER: All right, well  
 11 that's the answer. If you don't understand the  
 12 question, we'll have to rephrase it.  
 13 Q. So principal Dorcelly never told you or the  
 14 other teachers if you're going to be absent from  
 15 work, you have to notify the main office or a  
 16 supervisor?  
 17 MR. MESSINA: Objection as to other  
 18 teachers. How does he know if the principal  
 19 said that?  
 20 THE HEARING OFFICER: I thought we had  
 21 an answer, I thought we had a clear question.  
 22 Only because there was some overlapping  
 23 dialogue, I'm afraid Ms. Kim, I'm going to ask  
 24 you to repeat the question and let's get an  
 25 answer on the record. I'd like to know the

1 SEVERIN - CROSS - KIM  
 2 answer.  
 3 MS. DANA KIM: Okay.  
 4 Q. I hope I get this right on the fourth try.  
 5 So, in the two years that you've been at Urban  
 6 Academy, no administrator told you that if you're  
 7 going to be absent from work, that you have to notify  
 8 the main office or an immediate supervisor?  
 9 A. No.  
 10 Q. Okay, so you were never told that?  
 11 A. I was informed to contact sub central.  
 12 Q. That's not my question, so again, your  
 13 question is no, no administrator told you not to go  
 14 to the main office or--  
 15 A. [Interposing] Oh, no, no, no, no. Until I  
 16 was given those disciplinary conferences with --  
 17 [00:01].  
 18 Q. So when you were given the letters to file,  
 19 that's when you--  
 20 A. [Interposing] No, when I saw the specs,  
 21 etc., then I was informed that I had to.  
 22 Q. So when you were given the specifications,  
 23 you were then aware that you have to notify the main  
 24 office or a supervisor if you're going to be absent  
 25 from work?

1 SEVERIN - CROSS - KIM  
 2 A. May I refresh my memory regarding the  
 3 specs?  
 4 Q. Yes, please.  
 5 A. Because one of them said the specs, which  
 6 one was it? I'm sorry.  
 7 Q. I'm talking about specifications nine, ten-  
 8 -  
 9 A. Yes, for example nine it says failure to  
 10 contact immediate supervisor, but all throughout the  
 11 two years, I was constantly reminded to call sub  
 12 central. Yes.  
 13 Q. Okay. All right so moving on to later you  
 14 touched briefly on lesson plans, so for specification  
 15 11 where the allegation is that approximately on  
 16 November 22nd, 2015 you failed to follow a directive  
 17 given by your administrators to supply period two  
 18 lesson plans for three weeks to the administration  
 19 and with respect to that allegation, Mr. Messina can  
 20 you show him a copy of this one page?  
 21 MR. MESSINA: Sure.  
 22 MS. KIM: Thank you.  
 23 Q. You can look at specification 11 and let me  
 24 know when you're finished.  
 25 A. Yes. I'm done.

1 SEVERIN - CROSS - KIM  
 2 Q. Okay. Now with respect to that  
 3 specification, is it not true that you did not supply  
 4 period two lesson plans for three weeks?  
 5 A. I don't recall any directives per se.  
 6 Please rephrase the question. Repeat the question in  
 7 this specification.  
 8 Q. Isn't it true as it is laid out in that  
 9 specification that you did not submit to  
 10 administration period two lesson plans for three  
 11 weeks?  
 12 A. That's not true.  
 13 Q. Just one second.  
 14 A. Uh-huh.  
 15 Q. Okay, so I am looking at Department's  
 16 Exhibit number 5, so Dr. Severin, it's here, you said  
 17 that the allegation is not true, correct?  
 18 Specification 11, that allegation is not true.  
 19 A. Eleven, that, yes.  
 20 Q. Okay, so are you saying that you did supply  
 21 to the administration the period two lesson plans?  
 22 A. This is unclear. I don't quite understand  
 23 the specification itself.  
 24 Q. Okay.  
 25 A. It's reading.

1 SEVERIN - CROSS - KIM  
 2 Q. Okay.  
 3 A. In other words, go ahead.  
 4 Q. Okay, now Department's Exhibit number 5, if  
 5 we can direct the witness to, it should be about  
 6 after the letter to file, there is an APPR, annual  
 7 professional performance review evaluation form  
 8 attached and it's on the third page if we can have  
 9 the witness look at that.  
 10 MR. MESSINA: Okay, on the third  
 11 page?  
 12 Q. And at the bottom where it's number three.  
 13 Do you see that Dr. Severin?  
 14 A. Yes.  
 15 MR. MESSINA: Is that 3B?  
 16 MS. KIM: It's just number three.  
 17 Q. It should be the third page of the APPR. I  
 18 think you went too far.  
 19 A. May I see what you're looking at?  
 20 THE HEARING OFFICER: Did you say 3B?  
 21 MS. KIM: No, no, no, three, down  
 22 here. This one right here.  
 23 A. Thank you.  
 24 Q. Take a look at that and please let me know  
 25 when you're finished.

1 SEVERIN - CROSS - KIM  
 2 A. Um, it says schedule.  
 3 Q. Okay, and you're finished looking at it?  
 4 There's not a question before you.  
 5 A. One second, yeah. I'm sorry. I'm  
 6 finished, yes.  
 7 Q. Okay. And the APPR, actually that was  
 8 generated by, excuse me, AP Barnett, correct?  
 9 A. Correct.  
 10 Q. And that was as a result of an observation  
 11 that took place?  
 12 A. Correct.  
 13 Q. And I believe it was an informal  
 14 observation, correct?  
 15 A. Correct.  
 16 Q. Okay. And based on that informal  
 17 observation of this APPR, AP Barnett, in her  
 18 evaluator notes it basically laid out certain things  
 19 that you could perhaps either improve upon or certain  
 20 expectations that she wanted you to meet, correct?  
 21 A. I cannot assume what Ms. Barnett want, no  
 22 I'm sorry.  
 23 Q. Okay, but in the APPR there are additional  
 24 evaluator notes from AP Barnett, correct?  
 25 A. Yes.

1 SEVERIN - CROSS - KIM  
 2 Q. And you looked at number three which  
 3 states, please schedule to meet with me for the next  
 4 three weeks starting the week of November 22nd and  
 5 submit your period two lesson plans for my review and  
 6 feedback by Thursday, November 18, 2015. You are  
 7 aware of that, correct?  
 8 A. The date just went backwards from the 22nd  
 9 to November 18th. That's unclear to me.  
 10 Q. Okay. Number three says, correct me if I'm  
 11 wrong, AP Barnett, let me break it down. She wanted  
 12 to meet with you for the next three weeks starting  
 13 November 22nd, correct?  
 14 THE HEARING OFFICER: Let's have the  
 15 witness have the document before him so that he  
 16 can answer your questions. It's department  
 17 five. By my count it's four pages. It's the  
 18 third page of the APPR.  
 19 A. Okay.  
 20 THE HEARING OFFICER: You have  
 21 questions for the witness, Ms. Kim now that he  
 22 has it in front of him.  
 23 Q. Yes, so for number three, would you agree  
 24 with me that what it says is AP Barnett wanted to  
 25 start meeting with you for the next three weeks

1 SEVERIN - CROSS - KIM  
 2 A. I'm sorry, yeah, yes, correct, yes.  
 3 Q. And isn't it true that AP Barnett, the  
 4 reason why she wrote that is because you hadn't  
 5 submitted your period two lesson plans for her  
 6 review.  
 7 A. Correct.  
 8 Q. Okay. Did you ever submit them to her  
 9 after that point?  
 10 A. I don't recall.  
 11 THE HEARING OFFICER: Is your question  
 12 up--  
 13 [Crosstalk]  
 14 MS. KIM: After that point.  
 15 Q. So after the date of her writing that e-  
 16 mail to Dr. Severin, did you after that point submit  
 17 the period two lesson plan?  
 18 A. The date of the e-mail was December 2nd and  
 19 we had the cooling off.  
 20 THE HEARING OFFICER: Just the answer.  
 21 A. No, no, no.  
 22 THE HEARING OFFICER: Okay.  
 23 A. Yes, no.  
 24 Q. But you previously testified that you did  
 25 submit the lesson plans.

1 SEVERIN - CROSS - KIM  
 2 starting the week of November 22nd, correct?  
 3 A. Yes.  
 4 Q. And she also wanted you to submit your  
 5 period two lesson plans for her review and feedback  
 6 by Thursday, November 18th, 2015, correct?  
 7 A. Oh, okay, correct.  
 8 Q. Okay and if you look at, if you could turn,  
 9 keep on turning the page Dr. Severin, do you see what  
 10 appears to be an e-mail, correct?  
 11 A. Uh-huh.  
 12 Q. And it's looking at the first e-mail, so  
 13 this is reverse chronological order. It's an e-mail  
 14 that Ms. Barnett sent to you and she cc'd Dr. Howell  
 15 and Principal Dorcely, correct?  
 16 A. Correct.  
 17 Q. Okay. Now if you look at the third  
 18 paragraph in her e-mail, she's asking you to submit  
 19 your period two lesson plans immediately, correct?  
 20 A. Um, you said third paragraph? It says as  
 21 discussed briefly--  
 22 Q. [Interposing] No, no, no, no, not there.  
 23 Let me just--  
 24 A. [Interposing] Oh, the highlighted?  
 25 Q. Yes.

1 SEVERIN - CROSS - KIM  
 2 A. That was, I was confused by your question,  
 3 yes.  
 4 Q. Okay. Are you still confused?  
 5 A. Oh, no, no, I got cleared, yes, yes.  
 6 Q. Okay, so, just to clarify, you did not  
 7 submit the period two lesson plans as directed in the  
 8 APPR by AP Barnett?  
 9 A. Correct.  
 10 Q. Okay. Now going to specification 12,  
 11 specification 12 is the allegation that takes place  
 12 on September 11 of 2015.  
 13 MR. MESSINA: With the Arbitrator's  
 14 permission -- [00:01].  
 15 THE HEARING OFFICER: Thank you.  
 16 A. Yes.  
 17 Q. And I believe it was your testimony that  
 18 Ms. Fagan, your co-teacher, had expressed to you and  
 19 I'm paraphrasing here, that she and other teachers  
 20 wanted to commemorate September 11, correct?  
 21 A. Correct.  
 22 Q. So just refresh my recollection please as  
 23 to, and if I get this wrong, she, when did she  
 24 approach you about commemorating September 11th?  
 25 A. At the very beginning.

1 SEVERIN - CROSS - KIM  
 2 Q. On September 11th?  
 3 A. Yes.  
 4 Q. Okay and you said that it was she and other  
 5 teachers who wanted to commemorate?  
 6 A. Other social studies teachers, yes.  
 7 Q. Okay. Did she say who those other teachers  
 8 were?  
 9 A. There's about five. I mean, Amas  
 10 [phonetic], Omain [phonetic], Davis, --, Casta  
 11 [phonetic].  
 12 Q. Did she name those teachers?  
 13 A. Oh, no, no, no, no. I'm saying, she said  
 14 her and the other social study teachers, so I know  
 15 them, that's why I just gave you those names.  
 16 Q. Okay and what is it specifically that Ms.  
 17 Fagan said to you about how they wanted to  
 18 commemorate the day?  
 19 A. To paraphrase, she said myself and the  
 20 other social study teachers, we plan to commemorate  
 21 the evening of September 11th and we're going to do  
 22 activities around that, around the events for the day  
 23 and I would like to do it, Minnie Fagan, I, "I would  
 24 like to do that for this class," to which I responded  
 25 sure, no problems.

1 SEVERIN - CROSS - KIM  
 2 Q. Well in terms of, okay, so do some  
 3 activities around that, so what, did she express to  
 4 you what it is that she wanted you to do or how she  
 5 wanted you to assist?  
 6 A. What she did was, um, of course I assisted,  
 7 but what she did was she wanted to show them a short  
 8 video clip reminding children at that time who were  
 9 one or two years old to see what really happened and  
 10 asked that they have discussion and followed by write  
 11 ups. My way of helping at that time was to equally  
 12 solicit information from the children after viewing  
 13 the video and also again get the children to write,  
 14 which we did.  
 15 Q. So that was the, it would be fair to say  
 16 that was the lesson plan for that day? Was it for  
 17 the whole day or a specific period?  
 18 A. That was from Ms. Fagan's period with me.  
 19 Q. Which period was that?  
 20 A. First period.  
 21 Q. And so I believe your testimony was that on  
 22 that date the principal, I don't know if you  
 23 mentioned any other individuals, came to your  
 24 classroom?  
 25 A. Yes. The principal and the two AP's.

1 SEVERIN - CROSS - KIM  
 2 Q. So that would be?  
 3 A. Ms. Barnett and Dr. Howell.  
 4 Q. And at that time they, correct me if I'm  
 5 wrong, one of them asked you for lesson plans?  
 6 A. Principal Dorcely.  
 7 Q. Okay. And it was your testimony that you  
 8 did provide a lesson plan?  
 9 A. Correct.  
 10 Q. Okay. IN what form was that lesson plan?  
 11 A. It was in hard copy that I showed Principal  
 12 Dorcely my lesson on the scientific revolution.  
 13 However, it says it is totally in contradiction to  
 14 what was being shown and I said, I informed him that  
 15 Ms. Fagan gave me and et cetera and asked that we up  
 16 end that particular lesson that I had and do  
 17 something regarding September 11th.  
 18 Q. The lesson plan you showed him you said it  
 19 was a hard copy on the scientific revolution,  
 20 correct?  
 21 A. Correct.  
 22 Q. When you showed it to Principal Dorcely,  
 23 where were you?  
 24 A. He had pulled me out of the classroom into  
 25 the hallway and informed me how it was unacceptable

1 SEVERIN - CROSS - KIM  
 2 that I had something on being shown and the lesson  
 3 plan did not match that.  
 4 Q. Okay, but it's your testimony that you did  
 5 provide a lesson plan?  
 6 A. Correct.  
 7 Q. Okay and with respect to--  
 8 MR. MESSINA: [Interposing] Objection,  
 9 Your Honor.  
 10 THE HEARING OFFICER: Yes?  
 11 MR. MESSINA: It's my recollection  
 12 that in terms of the characterization of the  
 13 witness's testimony, my recollection is that he  
 14 said he attempted to provide it and Dr. Dorcely  
 15 refused to accept it.  
 16 THE HEARING OFFICER: Well let me put  
 17 the question to the witness. Is that your  
 18 testimony?  
 19 A. Correct.  
 20 THE HEARING OFFICER: That you  
 21 attempted to provide it?  
 22 A. Correct.  
 23 THE HEARING OFFICER: Okay. So with  
 24 that correction.  
 25 Q. When you say that you attempted to provide



1 SEVERIN - CROSS - KIM  
 2 it to him, how did you attempt to provide it to him?  
 3 A. After he called me out into the hallway,  
 4 informed me that where was my lesson plan, I told him  
 5 that it was on the scientific revolution, I walked  
 6 back inside, came back with, to the hallway while he  
 7 was still waiting and I showed him, this is what I  
 8 had planned for today prior to Ms. Fagan coming in  
 9 and asking to do something regarding September 11.  
 10 Q. Where were Dr. Howell and Ms. Barnett?  
 11 A. They were inside the classroom.  
 12 Q. Was Ms. Fagan also in the classroom?  
 13 A. Correct.  
 14 Q. Okay. And you also testified about,  
 15 withdrawn. When it comes to daily lesson plans, in  
 16 conjunction with the lesson plan, the teachers are  
 17 supposed to put their instructional objectives on the  
 18 smart board or a board in the classroom, correct?  
 19 A. Correct.  
 20 Q. And with respect to the instructional  
 21 objective, is that a mirror of what your lesson plan  
 22 would be for the day?  
 23 A. Correct.  
 24 Q. Okay. So would it be fair to say that the  
 25 instructional objective that's on the board is just

1 SEVERIN - CROSS - KIM  
 2 and you can see objection, I'm so sorry, not  
 3 objection, instructional objective, I mean the title  
 4 of the lesson, the instructional objective, the do  
 5 now, the mini lesson and all the different component  
 6 that are to be in a lesson plan. That particular day  
 7 the lesson that I showed Principal Dorcelly consisted  
 8 of all these elements; however, it was not about  
 9 September 11 which was the activity showing in the  
 10 class, but what I had planned to deliver prior to Ms.  
 11 Fagan.  
 12 Q. Okay. And in terms of the September 11, if  
 13 that was what was shown on the smart board, that was  
 14 the instructional objective that was shown.  
 15 A. No. On the board at that time there was a  
 16 video showing, yes.  
 17 Q. Was there anything at the time that  
 18 principal and the two AP's visited you that day, was  
 19 there anything on the smart board?  
 20 A. The video.  
 21 Q. The video.  
 22 A. Yes.  
 23 Q. Okay. But not, it wasn't, that's separate  
 24 from the instructional objective, correct?  
 25 A. I'm sorry. The smart board is like a

1 SEVERIN - CROSS - KIM  
 2 sort of like a, is it like an outline of what the  
 3 lesson plan is?  
 4 A. It's not an outline, it's a statement.  
 5 Q. Okay. But it's something that, it's not  
 6 the entire lesson plan, but it takes basically the  
 7 gist of what the lesson plan is for the day?  
 8 A. I don't know if I can explain it to you,  
 9 but.  
 10 Q. Tell me what the instructional objective  
 11 is.  
 12 A. Instructional objective is the goal,  
 13 meaning it can be a statement. For example, students  
 14 would learn what is the capital of New York?  
 15 Q. And that instructional objective must be on  
 16 the board or smart board for every day, every school  
 17 day, every period?  
 18 A. I don't know if you would allow me to say  
 19 this. The instructional objective is part of the  
 20 lesson plan, right? In my case, for example, all my  
 21 lesson plans are always displayed on the smart board  
 22 for anyone to walk in to see. From the first day  
 23 that I walk into Urban Action Academy, to the last  
 24 day I was there, my computers can document each and  
 25 every single lesson that I've taught at the school

1 SEVERIN - CROSS - KIM  
 2 projector. It's either you're showing the video or  
 3 you're showing the actual objective or whatever the  
 4 writing is that the student is supposed to be  
 5 following, so if the video is showing and there is no  
 6 way you would be seeing an instructional objective.  
 7 Q. So at the time that the principal and the  
 8 AP visited your classroom, it was the video that was  
 9 showing on the smart board?  
 10 A. Correct. Correct.  
 11 Q. And in terms of your, the lesson plan for  
 12 that day, it's your belief that the principal, again,  
 13 this is just paraphrasing. Correct me if I'm wrong.  
 14 You believe that the principal had an issue with your  
 15 lesson plan because it didn't match up with what was,  
 16 what you say was Ms. Fagan's agenda for that day.  
 17 A. Correct. Okay.  
 18 Q. Okay and in terms of the plan for  
 19 commemorating 9/11 that day, that's something that  
 20 was determined between you and Ms. Fagan.  
 21 A. No.  
 22 Q. Okay.  
 23 A. It was Ms. Fagan and the other social  
 24 studies teacher; however, I had my lesson following  
 25 the curriculum guideline on the scientific

1 SEVERIN - CROSS - KIM  
 2 resolution.  
 3 Q. And so again, so just to be clear, the 9/11  
 4 commemoration was something that you and Ms. Fagan  
 5 did jointly along with the other teachers who had  
 6 spoken with her about what their desires were for  
 7 commemorating that day, correct?  
 8 A. I did not speak with the other teachers.  
 9 Q. I understand that, but--  
 10 A. [Interposing] Oh, yes.  
 11 Q. But it's your understanding, correct?  
 12 A. Yes.  
 13 Q. Okay. Now if we can move on to  
 14 specification 13. Now please read that specification  
 15 to yourself, Dr. Severin and let me know when you are  
 16 finished.  
 17 A. Correct.  
 18 Q. Actually if you could also look at  
 19 specification 14.  
 20 A. Uh-huh. Correct.  
 21 Q. Finished?  
 22 A. Yes.  
 23 Q. Okay so you had an opportunity to look at  
 24 both 13 and 14, correct?  
 25 A. Correct.

1 SEVERIN - CROSS - KIM  
 2 Q. Now as a classroom teacher, one of your  
 3 duties and responsibilities is to submit grades in a  
 4 timely manner, correct?  
 5 A. Correct.  
 6 Q. And would you agree with me that the reason  
 7 why that they have to be submitted in a timely manner  
 8 is because if you don't do that, then student  
 9 commotions could be sort of held up and it could also  
 10 compromise the student's ability to graduate.  
 11 A. That's - - .  
 12 Q. Okay, so you're aware of how important it  
 13 is for all teachers to submit grades in a very timely  
 14 manner.  
 15 A. Yes.  
 16 Q. Okay. Now with respect to the two  
 17 specification, 13 and 14, now you are aware that you  
 18 are being charged with failing to follow the  
 19 directive given by the administrators to supply  
 20 electronic grades for at least for specifically 13,  
 21 marking the periods three and four, correct?  
 22 A. So alleged.  
 23 THE HEARING OFFICER: I'm sorry? I  
 24 didn't hear you.  
 25 A. So alleged.

1 SEVERIN - CROSS - KIM  
 2 THE HEARING OFFICER: So alleged,  
 3 okay.  
 4 Q. Okay. So did you in fact submit the  
 5 electronic grades.  
 6 A. Yes.  
 7 Q. When?  
 8 A. I don't have the information right in front  
 9 of me right now as to the exact date and time.  
 10 However, I do remember that there was a chain of e-  
 11 mail that was sent between myself and AP Barnett  
 12 regarding those grades. If I'm not mistaken, the  
 13 June, the specific dates in 13, that particular e-  
 14 mail was sent on the 14th, if I'm not mistaken. And  
 15 regarding the May 29th, again Your Honor, please if I  
 16 don't remember the exact date, I don't have a  
 17 refresher, it was submitted in a timely manner.  
 18 Q. So it's your testimony that for the two  
 19 specifications where you were alleged to have not  
 20 submitted electronic grades, you were saying that you  
 21 did in fact submit those grades.  
 22 A. Correct.  
 23 Q. Okay. Okay, now, I'm sorry. What did you  
 24 say for specification 13 for marking periods three  
 25 and four? When did you say that you submitted your

1 SEVERIN - CROSS - KIM  
 2 grades?  
 3 A. As I mentioned I my response, I do not  
 4 remember the exact date and time, but I believe it  
 5 was submitted prior to June 15th.  
 6 Q. Okay. Now, isn't it true, so when you  
 7 submitted the grades, in what form? How did you  
 8 submit the grades?  
 9 A. E-mail.  
 10 Q. To whom?  
 11 A. It was e-mailed to assistant principal  
 12 Barnett.  
 13 Q. And isn't it true that when you sent her  
 14 the first e-mail you did not actually attach  
 15 anything?  
 16 A. I was under the impression I did, but it  
 17 turned out that it was not attached.  
 18 Q. And did you, and isn't it true that you  
 19 then attempted to send the grades again?  
 20 A. Right away.  
 21 Q. By e-mail to Ms. Barnett?  
 22 A. Correct.  
 23 Q. And then isn't it true that on your second  
 24 attempt, you actually e-mailed the wrong file?  
 25 A. Yes, that's what, yes exactly.

1 SEVERIN - CROSS - KIM  
 2 Q. Okay. And the deadline for the submission  
 3 of the grades was June 15th, 2015?  
 4 A. Correct.  
 5 Q. Okay and it's your testimony that you sent  
 6 the first e-mail to AP Barnett before the deadline?  
 7 A. Yes.  
 8 Q. Okay. Well isn't it true that at the  
 9 disciplinary conference you told principal Dorcelly  
 10 that you submitted them on June 17, two days after  
 11 the deadline?  
 12 A. I do not remember that meeting. I  
 13 understand that there is a write up that documented  
 14 that. The best recollection would be the chain of e-  
 15 mail that was sent and the directives that were given  
 16 regarding the date and time would definitely clarify  
 17 the record.  
 18 Q. The second e-mail that you sent where it  
 19 was the wrong file, when did you send that?  
 20 A. I do not know the exact date, but if there  
 21 was an e-mail, it would have shown the date and time.  
 22 Q. But you don't have those e-mails?  
 23 A. I was not anticipating producing that. I  
 24 didn't know you were going to ask that question?  
 25 Q. Do you still have those e-mails?

1 SEVERIN - CROSS - KIM  
 2 A. I could look into my e-mail and sent box  
 3 and see.  
 4 MS. KIM: Mr. Messenia if I could have  
 5 the witness produce these e-mails?  
 6 MR. MESSINA: Sure. Can we go off the  
 7 record for a second?  
 8 THE HEARING OFFICER: Sure, let's go  
 9 off the record.  
 10 [OFF THE RECORD]  
 11 [ON THE RECORD]  
 12 THE HEARING OFFICER: I think we're  
 13 talking about the e-mail.  
 14 [Laughter]  
 15 THE HEARING OFFICER: All right, so  
 16 given the time of day, we're going to conclude  
 17 today's hearing. In off the record discussion  
 18 it was agreed that we are going to reconvened on  
 19 Monday, July 25 at 1:00 p.m. and if need be, the  
 20 case will continue until Tuesday, July 26th. Is  
 21 there anything further that needs to be  
 22 addressed? I first turn to the department.  
 23 MS. KIM: No.  
 24 THE HEARING OFFICER: Respondent?  
 25 MR. MESSINA: No.

1 SEVERIN - CROSS - KIM  
 2 THE HEARING OFFICER: Okay. Not  
 3 hearing anything further that needs to be  
 4 addressed, let's now go off the record. Thank  
 5 you.  
 6 MS. KIM: Thank you.  
 7 MR. MESSINA: Thank you.  
 8 (The hearing adjourned at 5:15 p.m.)  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

CERTIFICATE OF ACCURACY  
 I, Trisha Ruckart, do hereby certify that the foregoing  
 typewritten transcript of proceedings in the matter of New  
 York City Department of Education v. Dr. Jean Richard  
 Severin, File No. 29298 was prepared using the required  
 transcription equipment and is a true and accurate record  
 of the proceedings to the best of my ability. I further  
 certify that I am not connected by blood, marriage or  
 employment with any of the parties herein nor interested  
 directly or indirectly in the matter transcribed.  
 Signature:  
 Date: \_\_\_\_\_ July 19, 2016 \_\_\_\_\_

Ashley Webber, Student A  
Anisha John [phonetic], Student B  
Sidney Bowery, Student C  
Javinska Bernadine [phonetic], Student D

THE STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

In the Matter of  
NEW YORK CITY DEPARTMENT OF EDUCATION  
v.

JEAN RICHARD SEVERIN

Section 3020-a Education Law Proceeding (File #29,298)

DATE: July 25, 2016

TIME: 1:00 p.m. to 5:10 p.m.

LOCATION: NYC Department of Education  
Office of Legal Services  
100 Gold Street, 3rd Floor  
New York, NY 10038

BEFORE: JAMES BROWN, ESQ.  
HEARING OFFICER

APPEARANCES: FOR THE COMPLAINANT:  
DANA KIM, ESQ., of Counsel  
NYC Department of Education  
Office of Legal Services  
49-51 Chambers Street  
New York, NY 10007  
Telephone: (212) 374-6741  
dkim14@schools.nyc.gov

FOR THE RESPONDENT:  
ALAIN MASSENA, ESQ.  
Massena Law P.C.  
305 Broadway, Suite 1001  
New York, NY 10007  
Telephone: (212) 766-1700  
avm@massenalaw.com

## Table of Contents

## OPENING STATEMENT

NAME: PAGE:

[None]

## WITNESS EXAMINATION

NAME: PAGE:

J. Severin:

Cross (cont.) by Kim 670

Redirect by Massena 755

Voir Dire by Kim 758

Redirect (cont.) by Massena 760

J. Duncan:

Sworn 738

Direct by Massena 738

Cross by Kim 748

## CLOSING STATEMENT

NAME: PAGE:

[None]

## EXHIBITS

RESPONDENT DESCRIPTION I.D. IN EV.

13 Email, substitute for original exhibit 760 760

DEPARTMENT OF EDUCATION DESCRIPTION I.D. IN EV.

32 Letter to file regarding showing video 724 725  
in class room with lights off

JEAN RICHARD SEVERIN - 07/25/16

MS. DANA KIM: Yes, Dana Kim, for the  
Department. Good afternoon.

THE HEARING OFFICER: Good afternoon.

MR. ALAIN MASSENA: Alain Massena, for  
the Respondent. Good afternoon.THE HEARING OFFICER: Good afternoon  
to you. And I'll note for the record that the  
Respondent is also present here with us. When  
we left off last, we were in the middle of the  
cross examination of the Respondent. Ms. Kim,  
are you ready now to continue?

MS. KIM: Yes.

[Crosstalk]

MR. MASSENA: [Interposing] And, Your  
Honor, I would like to--THE HEARING OFFICER: [Interposing]  
I'd just like to remind Dr. Severin that he is  
still under oath. Mr. Massena, you'd like to be  
heard?MR. MASSENA: Yes, just prior to  
continuing redirect, I did turn over--continuing  
cross--I did turn over to the Department, I  
turned over the completed email that was  
discussed. I believe it was Respondent's Number

667

JEAN RICHARD SEVERIN - 07/25/16

(The hearing commenced at 1:00 p.m.)

THE HEARING OFFICER: Good afternoon.

My name is James A. Brown. I am the Hearing  
Officer duly appointed pursuant to New York  
State Education Law, Section 3020-a, its rules  
and regulations, as well as the contractual  
provisions by and between the United Federation  
of Teachers and the New York City Department of  
Education. We are here today in the matter of  
Jean Richard Severin, SED File Number 29,298.  
This is a continuing matter. I was just advised  
by the Department's counsel that private counsel  
for the Respondent is running a little bit late.  
We're going to go off the record while we await  
his arrival. Thank you.

[OFF THE RECORD, Waiting for  
Respondent counsel 1:01 p.m.][ON THE RECORD, Waiting for Respondent  
counsel 2:14 p.m.]

THE HEARING OFFICER: On the record.  
All right, so we're back on the record after  
some earlier unavoidable delay. We're ready to  
start. Let's just note appearances, beginning  
on my left.

Ubiquis Reporting, Inc. 07-25-16 SED No. 29,298 In the Matter of Mr. Severin

668

669

JEAN RICHARD SEVERIN - 07/25/16

13. I turned that over to the Department of  
Education. Also, the Department made a  
discovery request regarding the notes of Mr.  
Satchell. As to the notes, I was able to  
acquire some notes; however, I am going to  
object to those notes being turned over, as the  
privacy, the confidentiality between the union  
in terms of the union.

THE HEARING OFFICER: Let's go off the  
record for a moment.

[OFF THE RECORD, Conference 0:02:04]

[ON THE RECORD, Conference 0:02:04]

THE HEARING OFFICER: So, in a brief  
off the record conversation by and between the  
parties and myself, it appears that we have  
resolved this outstanding issue regarding the  
disclosure of certain notes taken by the UFT  
representative. We're going to revisit this  
matter later in the afternoon, and it's my  
understanding that after Respondent's counsel  
reviews said notes, a certain disclosure will be  
made to the Department. Ms. Kim, are you ready  
to continue now with the cross examination?

MS. KIM: Yes.

JEAN RICHARD SEVERIN - 07/25/16

THE HEARING OFFICER: Please do.

MS. KIM: Thank you, Arbitrator Brown.

CROSS EXAMINATION (CONT.)

BY MS. KIM

Q. Good afternoon, Dr. Severin.

A. Good afternoon.

Q. Now, just going back to one of the allegations, Specification three talks about how you failed to attend a common planning meeting on December 23rd, 2015. Do you remember that?

A. Yes.

Q. Okay. And I believe your--

COURT REPORTER: [Interposing] Speak up.

Q. I believe your testimony was that you attended that meeting, but that someone had fabricated that you were absent, correct, or had written on the sign in sheet that you were absent.

A. I did not say that it was fabricated. I said perhaps it may have been fabricated, but I know I attended. There was no one at the meeting.

Q. So, it's your belief that someone may have fabricated, on that sign in sheet, that you were absent?

SEVERIN - CROSS - KIM

A. No.

Q. Okay. What are you--what is it then that you were trying to say?

A. Well, what I am saying, is that when I attended, after I got there and there was no one, after about five, seven minutes I went back to my room. And supposedly, this sign in sheet shows up, but there was no one there.

Q. Okay. So, you saw that sign in sheet, correct? It--

A. [Interposing] Oh, no, no, no, no. There was no sign in sheet in the room. I was--

Q. [Interposing] No.

A. --there by myself.

Q. I am not talking about that day, but subsequently for this case, you saw the sign in sheet, correct?

A. Yes.

Q. Okay. And on there, do you recall it had the letters, ABS, for absent, correct?

A. Yes.

Q. And so that is not something that you wrote, correct?

A. No.

SEVERIN - CROSS - KIM

Q. Okay. So, if you didn't write it, then someone else possibly could have written that-- [Crosstalk]

MR. MASSENA: [Interposing] Objection, it's speculation, Your Honor.

THE HEARING OFFICER: I'll sustain.

Q. So, it's your belief that possibly someone had fabricated that?

MR. MASSENA: Objection, Your Honor.

THE HEARING OFFICER: No, I think that, no, overruled. I'll allow that question.

A. The term fabricated, as mentioned earlier, was just something that was said and for lack of better word, but I'm not insinuating. I am not saying that somebody fabricate it. What I'm--my answer is that I went to the room 12:15. By 12:22 I walked back to my room. And when I was called in for a disciplinary meeting, there was this paper that was signed with several people on it, but there was no one there.

Q. Did you ever report it to anyone that the entry on that sign in sheet was not accurate?

A. Did I ever--I didn't see it until just now.

Q. At this hearing.

SEVERIN - CROSS - KIM

A. Until the hearing, until the specs, until the Specification that, yes.

Q. So, when you finally were aware that there was this inaccurate entry on that sign in sheet, did you report it to anyone?

A. There was then--

Q. [Interposing] It's a yes or no question.

A. Oh, no.

Q. Okay.

A. No.

Q. Now, going into Specification five, that Specification, if you remember, deals with a number of common planning meetings that you failed to attend, correct?

A. Yes.

Q. That was what the allegation was. And your testimony, on the last date, was that you attended all of the meetings; but if you did not, it was because you were at disciplinary meetings with either the Principal or the AP, correct?

A. Yes.

Q. Okay. And I believe you also testified that when you were at the common planning meetings, that you did not sign in sheets, correct?

1 SEVERIN - CROSS - KIM  
 2 A. Correct.  
 3 Q. Okay. So, would you agree with me that the  
 4 procedure for these meetings was if you show up, then  
 5 you sign on the sign in sheets to document that you  
 6 have attended the meeting, correct?  
 7 A. Correct.  
 8 Q. So, why is it that, even though you say  
 9 that you attended these meetings, you never signed  
 10 the sign in sheet?  
 11 A. Is that a yes or no question?  
 12 Q. No. I am asking you, if your testimony is  
 13 that you attended these common planning meetings, why  
 14 isn't it that you signed the sign in sheets to  
 15 document your attendance?  
 16 A. I have signed many of the sign in sheets.  
 17 Q. Okay, but you just said you didn't sign in  
 18 the sign in sheets, and that was your testimony on  
 19 the last date as well.  
 20 A. I'm in agreement with you. I said I have  
 21 signed many of them. There are some that I didn't  
 22 sign.  
 23 Q. Your testimony, on the last date and just  
 24 now, was that you did not sign the sign in sheets.  
 25 A. I agree.

1 SEVERIN - CROSS - KIM  
 2 Q. Okay, but now you are saying that you did  
 3 sign the sign in sheets?  
 4 A. I have signed many of them. I don't  
 5 understand the question.  
 6 Q. Okay. Let me move on from that. So,  
 7 you're saying you did sign many of the sign in  
 8 sheets. That's--  
 9 A. [Interposing] Yes.  
 10 Q. --your testimony right now.  
 11 A. Yes.  
 12 Q. Okay. Now, the documents that are in  
 13 evidence for Specification five, for the rest of the  
 14 allegations where you are alleged to have not  
 15 attended the common planning meetings, if the sign in  
 16 sheet says you were absent, so for those sign in  
 17 sheets--  
 18 A. [Interposing] Oh, for those sign in sheets,  
 19 no, I did not.  
 20 Q. Okay. You did not what?  
 21 A. Sign.  
 22 Q. Okay.  
 23 A. Yes.  
 24 Q. But it's your testimony that you were  
 25 there.

1 SEVERIN - CROSS - KIM  
 2 A. Yes, for many of them, yes.  
 3 Q. Okay. So, then why didn't you sign the  
 4 sign in sheet if you were there?  
 5 A. I don't know that.  
 6 Q. You didn't think it was important for you  
 7 to--  
 8 A. [Interposing] I don't know.  
 9 Q. Let me finish my question.  
 10 A. Oh.  
 11 Q. You did not think it was important for you  
 12 to document your own attendance at a common planning  
 13 meeting?  
 14 A. I don't know, ma'am.  
 15 Q. Okay. You don't have a reason.  
 16 MR. MASSENA: Objection.  
 17 THE HEARING OFFICER: No, no,  
 18 overruled.  
 19 A. I don't know, ma'am.  
 20 Q. Why don't you know?  
 21 A. I don't know.  
 22 Q. Is it because you didn't feel like signing  
 23 it?  
 24 A. I don't know, ma'am.  
 25 MR. MASSENA: Objection.

1 SEVERIN - CROSS - KIM  
 2 THE HEARING OFFICER: All right, let's  
 3 move on.  
 4 MS. KIM: Okay.  
 5 Q. Now, the disciplinary meetings that you  
 6 were summoned to, by either the Principal or the  
 7 Assistant Principal, you did not attend all of them,  
 8 correct?  
 9 A. Excuse me?  
 10 Q. The disciplinary meetings that you were  
 11 summoned to by either the Principal or the AP, isn't  
 12 it true that you did not attend every single one of  
 13 them?  
 14 A. I don't recall. Which, I mean, which spec  
 15 is that--  
 16 [Crosstalk]  
 17 Q. [Interposing] Okay, that's not a  
 18 Specification. You're not charged with not attending  
 19 a disciplinary meeting, but I'm asking you, do you  
 20 remember that for the disciplinary meetings that you  
 21 were summoned to by the Principal or the AP, isn't it  
 22 true that you did not attend all of those meetings?  
 23 A. What's the--okay, you're asking me if I  
 24 attended all of the disciplinary meetings?  
 25 Q. Did you?



1 SEVERIN - CROSS - KIM  
 2 A. That's the question.  
 3 Q. Did you?  
 4 A. Yes, I mean--  
 5 [Crosstalk]  
 6 Q. [Interposing] Every single one of them?  
 7 A. No.  
 8 Q. Okay. Isn't it true that for some of the  
 9 disciplinary meetings you chose not to attend,  
 10 correct?  
 11 A. Yes.  
 12 Q. Okay. And that instead of your going to  
 13 the meeting, your UFT representative went--  
 14 A. [Interposing] Oh, okay.  
 15 Q. --in place of you, correct?  
 16 A. Yes, yes.  
 17 Q. Okay.  
 18 A. Now I understand where you were going, I'm  
 19 sorry.  
 20 Q. Okay. And isn't it true that the reason  
 21 why you did not attend some of the disciplinary  
 22 meetings is because you refused to attend?  
 23 A. You don't know my reason.  
 24 Q. I am asking you--  
 25 THE HEARING OFFICER: [Interposing]

1 SEVERIN - CROSS - KIM  
 2 It's a question to you, Dr. Severin. Your job,  
 3 as the witness, is to answer the questions.  
 4 MR. SEVERIN: Oh, she's asking my  
 5 thought.  
 6 A. Then no.  
 7 THE HEARING OFFICER: There's a  
 8 question put to you, your answer?  
 9 A. Yes. Can you repeat the question, please?  
 10 Q. Isn't it true that for some of the  
 11 disciplinary meetings that you did not attend, the  
 12 reason why is because you refused to attend, correct?  
 13 A. Refuse is a strong word.  
 14 Q. Okay. So, what word would you use?  
 15 A. The environment created by the Principal  
 16 was so hostile that it was extremely toxic towards  
 17 me. Afterwards, I would feel sick. I was feeling  
 18 tired. I--  
 19 [Crosstalk]  
 20 Q. [Interposing] Okay. So--  
 21 A. --I would have headaches, so for my  
 22 preservation, some of these meeting were so toxic, it  
 23 was best for me to just let him just write his  
 24 letters. Regardless of what I say, I will still be  
 25 written up. So, that's why I didn't attend, and I

1 SEVERIN - CROSS - KIM  
 2 requested my UFT to attend for me.  
 3 Q. Okay. Thank you for that answer. Now,  
 4 going back to I'm now referring to Specification  
 5 seven, now we already went over your testimony  
 6 regarding the allegation where you failed to submit a  
 7 mid-term exam for review and feedback. Do you  
 8 remember that?  
 9 A. Mid-term exam, yes.  
 10 Q. Yes. And with respect to the mid-term  
 11 exam, would you agree with me that one of the reasons  
 12 why teachers are asked to submit their mid-term exams  
 13 for review and feedback is so that the administration  
 14 can know that the content is appropriate for testing?  
 15 A. Please repeat the question.  
 16 Q. Sure. Would you agree with me that one of  
 17 the reasons why administrators have teachers submit  
 18 mid-term exams for review and feedback, prior to the  
 19 administration of the exam, is because the  
 20 administration wants to make sure that the content  
 21 that you're testing for is appropriate, correct?  
 22 A. Yes.  
 23 Q. And that the subjects or the content on the  
 24 mid-term exam covers topics that are in sync with the  
 25 subject that you are teaching and the class

1 SEVERIN - CROSS - KIM  
 2 curriculum, correct?  
 3 A. Yes.  
 4 Q. Okay. Now, you are also charged with a few  
 5 allegations, where you were absent from work, but you  
 6 failed to notify the school or administration that  
 7 you were absent, correct?  
 8 A. Correct.  
 9 Q. Okay. And I believe your testimony was  
 10 that you did follow school policy by reaching out to  
 11 SubCentral, correct?  
 12 A. Correct.  
 13 Q. And you also testified that prior to your  
 14 receiving the Specifications in this case, you were  
 15 not aware that you were supposed to reach out to the  
 16 school or to a direct supervisor, correct?  
 17 A. No.  
 18 Q. That wasn't your testimony on the last  
 19 date?  
 20 A. Please repeat that again.  
 21 Q. Okay. Now, isn't it true also that you  
 22 testified before that you were not aware that you had  
 23 to notify the school or a direct supervisor that you  
 24 were going to be absent from work. You were not  
 25 aware of this prior to being served with the charges

1 SEVERIN - CROSS - KIM  
 2 in this case.  
 3 A. I do not remember, if you can refresh my  
 4 memory with the answer, where I say that. I don't  
 5 recall if I had said that.  
 6 Q. You don't remember if you said that.  
 7 A. No.  
 8 Q. You were not, okay.  
 9 MS. KIM: Can we have a moment off the  
 10 record?  
 11 THE HEARING OFFICER: Sure, let's go  
 12 off the record.  
 13 MS. KIM: Okay.  
 14 [OFF THE RECORD, Conference 2:35 p.m.]  
 15 [ON THE RECORD, Conference 2:37 p.m.]  
 16 THE HEARING OFFICER: Back on the  
 17 record.  
 18 MS. KIM: Now, I am looking at the  
 19 transcript from our last hearing date, July 14.  
 20 And I am on page 638 of the transcript. And if  
 21 I could have--I am going to show Mr. Massena  
 22 first. And then if you could hand that--give it  
 23 to your client, please.  
 24 [Background conversation]  
 25 MR. MASSENA: Six twenty eight, or

1 SEVERIN - CROSS - KIM  
 2 thirty eight, correct?  
 3 MS. KIM: Yes.  
 4 MR. MASSENA: Okay.  
 5 A. Yes.  
 6 Q. You read the transcript that was put in  
 7 front of you, correct, Dr. Severin?  
 8 A. Yes.  
 9 Q. And in looking at that, does that refresh  
 10 your recollection as to what your testimony was on  
 11 the last date?  
 12 A. Yes.  
 13 Q. Right, and on the last date, did you not  
 14 testify that you did not know, or you were not  
 15 informed, that you had to reach out to the school or  
 16 a direct supervisor as to an absence, correct?  
 17 A. We were repeatedly to contact SubCentral.  
 18 Q. That was not my question to you.  
 19 A. Yes. I'm saying to you.  
 20 Q. That was not question to you.  
 21 [Crosstalk]  
 22 MR. MASSENA: Objection, Your Honor,  
 23 argumentative, Your Honor.  
 24 THE HEARING OFFICER: All right.  
 25 Let's present the question again. Ms. Kim,

1 SEVERIN - CROSS - KIM  
 2 you're referencing a question you have already  
 3 asked this witness on cross examination?  
 4 MS. KIM: Yes, so--  
 5 THE HEARING OFFICER: [Interposing]  
 6 You're asking for--  
 7 MS. KIM: --I asked him prior. He  
 8 didn't remember what his testimony was. So, I  
 9 was refreshing his recollection.  
 10 THE HEARING OFFICER: Presumably, this  
 11 is a spring board to some avenue of questioning  
 12 you wish to put to--  
 13 MS. KIM: [Interposing] Yes, that is  
 14 correct.  
 15 THE HEARING: --the witness, but you  
 16 have already asked him the question.  
 17 MS. KIM: Yes, yes.  
 18 THE HEARING OFFICER: Okay, please  
 19 proceed, let's go.  
 20 MS. KIM: Yes.  
 21 Q. So again, my question to you, Dr. Severin,  
 22 on the last date when you testified, isn't it true  
 23 that you said that you did not know that you were  
 24 supposed to reach out to the school or to a direct  
 25 supervisor with respect to being absent? You did not

1 SEVERIN - CROSS - KIM  
 2 know about until you saw the specs in this case,  
 3 correct?  
 4 A. No.  
 5 Q. That wasn't your testimony.  
 6 A. Allow me to finish my answer, please.  
 7 Q. It's a yes or a no, so it's no, correct?  
 8 A. No.  
 9 [Background noise coughing]  
 10 Q. You said that the school told you that you  
 11 had to reach out to SubCentral.  
 12 A. All right.  
 13 Q. And that's the only directive that the  
 14 school gave to you with respect to reporting an  
 15 absence.  
 16 A. Repeatedly.  
 17 COURT REPORTER: Speak up.  
 18 MR. SEVERIN: Okay.  
 19 COURT REPORTER: What was your answer?  
 20 MR. SEVERIN: Repeatedly, yes.  
 21 COURT REPORTER: Thank you.  
 22 Q. And they gave you no other directive to  
 23 reach out to the school or to a direct supervisor as  
 24 to an absence.  
 25 A. We are reminded--

SEVERIN - CROSS - KIM

[Crosstalk]

Q. [Interposing] It's a yes or no.

[Crosstalk]

MR. MASSENA: [Interposing] He's answering the question, Your Honor.

MS. KIM: It's a yes or no question, and it's not that difficult.

MR. MASSENA: Objection, Your Honor, argumentative--

[Crosstalk]

THE HEARING OFFICER: [Interposing] Hang on, let's--if you want a yes or no, Ms. Kim, let's frame the question in the form that requires a yes or no answer, and we'll go from there. So, why don't you repeat your question, please.

MS. KIM: Okay.

Q. So, what you were saying is that the school never informed you that you had to reach out to the school or a direct supervisor to tell them that you were going to be out of work. The school never told you that you had to do that.

MR. MASSENA: I believe this was asked and answered, Your Honor.

SEVERIN - CROSS - KIM

THE HEARING OFFICER: I thought, I believe we have an answer to the question, Ms. Kim. It's my understanding that the Respondent's testimony is that he was never informed of that. You know, I'm allowing you some latitude to follow up on that, but I think the record is pretty clear in terms of this witness' testimony and response.

MS. KIM: Okay.

Q. Now, the two years that you were at Urban Academy, if you were absent, the protocol that you would follow is that you would always call SubCentral.

A. Yes.

Q. Okay. And during the two years that you were at the school, you never reached out to a supervisor to let them know that you were going to be absent?

A. Please rephrase the question. I don't understand it.

Q. During the two years that you were at Urban Academy, did you ever reach out to a supervisor or to the school that you were going to be absent?

A. Yes.

SEVERIN - CROSS - KIM

Q. Okay. If that wasn't what you were told to do, then why did you reach out to a supervisor or to the school?

A. Is that an if question, a yes or no?

Q. Why did you do that?

A. That's a yes or no question?

THE HEARING OFFICER: It's not a yes or no question--

[Crosstalk]

THE HEARING OFFICER: [Interposing] No, no, no, no, that's okay, it's okay. Let's just try to get through the afternoon as efficiently as we can.

MR. SEVERIN: Oh, okay.

THE HEARING OFFICER: That, in my estimation, was clearly not a yes or a no question. It was more open ended and your answer is...?

A. Please repeat the question.

Q. If the protocol that you followed was to SubCentral because that's what the school told you to do, then why did you reach out to the school or to a supervisor to let them know that you were going to be absent from work?

SEVERIN - CROSS - KIM

A. Okay. My apologies for not understanding the question. As a courtesy, the school would say as a courtesy, inform your colleagues that you're not going to be there, especially if you co-teach. At the same time, you are informed, but the most important thing that, on the first meeting in September, was contact SubCentral if you know you're not going to be available for that day. Contact SubCentral. I have contacted Principal Dorcelly, Ms. Barnett, my co-teachers, Fagin, Zaike, Burlingame, on several occasions.

Q. So, according to you, contacting an administrator or someone at the school was just a courtesy--

[Crosstalk]

A. [Interposing] That is correct. That is what Principal Dorcelly emphasized.

Q. Okay.

A. It's courtesy to inform the person that you're not going to be there, and that they would be able to do what's necessary to cover their classes.

Q. So, according to your testimony, it wasn't a requirement to reach out to the members of the school, but just a mere courtesy.

SEVERIN - CROSS - KIM

A. It, courtesy was emphasized, yes.

Q. Okay. Now, I am going to show you what's already in evidence as Department Exhibit Number 26. And it's a letter to file from June 12th, 2015. Dr. Severin, you have seen that letter, correct?

A. Yes.

Q. Okay. And in that letter, it talks about your not calling the school ahead of an absence, correct?

A. Correct.

Q. Okay. And in this letter, it documents what your response was, correct--

A. [Interposing] Yes.

Q. --at the meeting?

A. Yes.

Q. Okay. And at that meeting, when you were asked about why you did not reach out to the school, call them regarding your absence, you had responded saying since 1996 I have been teaching, even in the school community. I never had any issue about being absent or not calling, correct? That's what you said in part, correct?

A. Yes.

Q. Correct, okay. And do you see how, in this

SEVERIN - CROSS - KIM

letter, the conclusion that the Principal reaches is that your failure to adhere to school policy, in notifying the school in advance of your absence, constitutes neglect of duty, correct? Do you see that there?

A. Yes.

Q. Okay.

A. Okay.

Q. And this letter is dated June 12th, 2015, correct?

A. Yes, that's immediately after he learn--

[Crosstalk]

Q. [Interposing] Okay, your answer was yes, correct?

A. Correct.

Q. Okay. And this was issued prior to your absences, the charges for the following school year, 2015-2016, where you were absent from school, correct?

A. I'm sorry, say that again?

Q. Okay. This letter predates the absences for which you were charged in this case, correct, October 23rd, 26th, 2015, correct? And also for those two dates, correct?

SEVERIN - CROSS - KIM

A. Yes.

Q. Okay. So, you were on notice, with respect to at least Principal Dorcely wanting you to teach out to the school to let them know that you were going to be absent from work, correct?

A. Correct.

Q. Okay. Now, Dr. Severin, with respect to the September 11th, 2015, Specifications, where you testified that your co-teacher, and some of other Social Studies teachers, wanted to do a special presentation to memorialize or commemorate September 11th, and you said that you attempted to show a lesson plan to Principal Dorcely, correct?

A. I did. I did show Principal Dorcely a lesson plan.

Q. Okay.

A. Yes.

Q. Now, you testified, on the last date, that I believe Principal Dorcely, how is it that he asked you for the lesson plan?

A. When he came in, he saw the video showing. And then he saw that it was something different. So, he called me outside, and then he asked me what is this, what's this, et cetera, where is the lesson

SEVERIN - CROSS - KIM

plan. And I informed him, I said, Principal Dorcely, I have my lesson plan on the scientific revolution. I left him standing there. I walked back inside. On my desk, I took my lesson plan, and walked back. I said, this is my lesson plan on the scientific revolution. Ms. Fagan came in and mentioned--Ms. Fagan is my co-teacher--she came in and mentioned that they want to commemorate something regarding September 11.

Q. Okay, but I, I am not asking you about Ms. Fagan. I am asking you right now about your--

[Crosstalk]

A. [Interposing] I am answering your question.

Q. --Principal Dorcely.

A. Yes, he asked me. I went to my desk. I took the lesson plan, and I walked back out. I said this is the lesson plan on scientific revolution.

Q. So, you showed it to him then?

A. Yes.

Q. Did he look at it?

A. He was not interested in that.

Q. Okay.

A. It was, he was combative from day one. He already told me that--

1 SEVERIN - CROSS - KIM  
 2 [Crosstalk]  
 3 A. --he was going to write me. You asked me--  
 4 Q. [Interposing] Okay.  
 5 A. --a question. Let me answer.  
 6 Q. I am not interested in what he said to you  
 7 from day one.  
 8 A. No--  
 9 [Crosstalk]  
 10 THE HEARING OFFICER: [Interposing]  
 11 Hang on, hang on, hang on. Let's do this in an  
 12 orderly way.  
 13 MR. SEVERIN: Okay.  
 14 THE HEARING OFFICER: It's Ms. Kim's  
 15 job to ask questions. Let's now move on to the  
 16 next question.  
 17 Q. So, your testimony was that when Principal  
 18 Dorcely asked you for it, you went back into the  
 19 class room, and you got the lesson plan.  
 20 A. Yes.  
 21 Q. Where was the lesson plan?  
 22 A. On my desk.  
 23 Q. Okay. It was sitting on your desk?  
 24 A. Yes, it was a hard copy.  
 25 Q. It was in plain sight.

1 SEVERIN - CROSS - KIM  
 2 A. What does that mean?  
 3 Q. It was sitting right on your desk. So, if  
 4 anyone were looking at your desk at that time, they  
 5 would have seen this document on your desk?  
 6 A. Ms. Kim, I had so many different things on  
 7 my desk, but I know where my lesson plan was. I just  
 8 went in and got it.  
 9 Q. Okay, but when Principal Dorcely, and the  
 10 two APs went into the class room, where were you in  
 11 the class room?  
 12 A. I was in front by the projector, I mean by  
 13 the, yeah, projector, whatever they are showing the  
 14 video.  
 15 Q. Okay. Now, on the last date, you gave  
 16 testimony about the grades that you had to submit,  
 17 the E-G-G files, correct?  
 18 A. Yes.  
 19 Q. Okay. And you mentioned that you had  
 20 submitted it on time, but the first email that you  
 21 sent did not have an attachment, correct?  
 22 A. I was informed, at this point, I had said  
 23 that, yes.  
 24 Q. Okay. I am not, well, you--isn't that the  
 25 case you attached, or you did not attach a file to

1 SEVERIN - CROSS - KIM  
 2 that first email, correct?  
 3 A. I thought I did.  
 4 Q. Okay, but you did not, correct?  
 5 A. I thought I did.  
 6 Q. But you did not, correct?  
 7 A. I thought I did.  
 8 THE HEARING OFFICER: Okay. Now,  
 9 we're moving on to a different question. The  
 10 question is now did you, in fact, to your  
 11 knowledge, Dr. Severin--  
 12 DR. SEVERIN: [Interposing] Yes.  
 13 THE HEARING OFFICER: --attach?  
 14 DR. SEVERIN: Yes.  
 15 THE HEARING OFFICER: Okay.  
 16 Q. Okay, but it turned out that you did not,  
 17 correct?  
 18 A. Correct.  
 19 Q. And then when you were told that you did  
 20 not, you then emailed it again, correct?  
 21 A. Right away, yes.  
 22 Q. And then the second time you emailed it, it  
 23 was, in fact, the wrong file, correct?  
 24 A. Yes.  
 25 Q. Okay. And when you say you emailed it

1 SEVERIN - CROSS - KIM  
 2 right away, what do you mean by right away?  
 3 A. As soon as I learned of the error, I  
 4 rectified it, but I guess under the pressure to send  
 5 it, that's probably why I ended up sending the wrong  
 6 file.  
 7 Q. Okay. So--  
 8 [Crosstalk]  
 9 A. [Interposing] Because there's multiple  
 10 files that share the same link, so the wrong one was  
 11 attached.  
 12 Q. And the deadline for submitting those  
 13 grades were June 15, 2015, correct?  
 14 A. Correct.  
 15 Q. Okay. And your testimony was that the  
 16 first email, at least you did submit it either on or  
 17 before the deadline?  
 18 A. Yes.  
 19 Q. Okay. Dr. Severin, in preparation for this  
 20 case, you've seen the documents that the Department  
 21 turned over, correct?  
 22 A. Yes.  
 23 Q. As a part of its discovery request?  
 24 A. Yes.  
 25 Q. And with respect to the E-G-G files, you

1 SEVERIN - CROSS - KIM  
 2 have seen the email exchange between you and Ms.  
 3 Barnett, correct?  
 4 A. Correct.  
 5 Q. Okay. And so let me--  
 6 MS. KIM: I'd like to have the witness  
 7 look at Department Exhibit Number 24,  
 8 specifically five--  
 9 [Crosstalk]  
 10 THE HEARING OFFICER: [Interposing]  
 11 Let's take a break for a moment. We're going to  
 12 take a two minute break, off the record, okay?  
 13 [OFF THE RECORD, Break 2:52 p.m.]  
 14 [ON THE RECORD, Break 2:56 p.m.]  
 15 [Background conversation]  
 16 THE HEARING OFFICER: Ms. Kim?  
 17 MS. KIM: Yes. Mr. Massena, I would  
 18 like to have the witness shown Department  
 19 Exhibit Number 24, and you can go to the  
 20 fourth page in this exhibit.  
 21 [Background conversation]  
 22 MR. MASSENA: You said Department's  
 23 Number 24?  
 24 MS. KIM: Twenty four, yes.  
 25 MR. MASSENA: Okay. Which spec was

1 SEVERIN - CROSS - KIM  
 2 that?  
 3 MS. KIM: That is 13.  
 4 MR. MASSENA: Thirteen, okay.  
 5 MS. KIM: Yes.  
 6 MR. MASSENA: Okay, Respondent Number  
 7 13?  
 8 MS. KIM: Yes.  
 9 MR. MASSENA: Okay, I'm sorry--  
 10 [Crosstalk]  
 11 MS. KIM: --Specification 13.  
 12 MR. MASSENA: Okay. Yes, I am showing  
 13 it to him.  
 14 Q. Dr. Severin, you can skip to the fourth  
 15 page of this document.  
 16 MS. KIM: If I could have him look at  
 17 the document starting from that page on.  
 18 Q. So, Dr. Severin, these documents in front  
 19 of you, you have seen them, correct, you have seen  
 20 this before?  
 21 A. Just one second. Okay, yes.  
 22 Q. Now, based on this email exchange, are  
 23 they--they are, in fact, emails between you and Ms.  
 24 Barnett, correct?  
 25 A. Yes.

1 SEVERIN - CROSS - KIM  
 2 Q. Okay. And in looking at the email  
 3 exchanges, isn't it true that the first date that you  
 4 tried to submit the E-G-G files were actually the  
 5 date was June 17 and not either before June 15 like  
 6 you said?  
 7 A. Yes.  
 8 Q. Okay. And in looking at this email, isn't  
 9 it also true that if you look at the last two pages  
 10 of this document, now isn't it true here, in looking  
 11 at these emails, that, and especially the last page,  
 12 that as of June 23rd, 2015, as of that date, you  
 13 still had not sent to Ms. Barnett your marked period  
 14 three or four grades, correct?  
 15 A. That's inaccurate.  
 16 Q. These, what's represented in these emails  
 17 is inaccurate.  
 18 A. Yes.  
 19 Q. Okay. So, what is inaccurate about it?  
 20 A. What's inaccurate is if the deadline was  
 21 the 15th, Ms. Barnett send it to me on the 15th.  
 22 Something is inaccurate in this here. It says sent  
 23 from Ms. Barnett on Monday, 15th, at 7:10 p.m., and  
 24 here is my response. On the seventeenth I responded,  
 25 Ms. Barnett, here is the grade for the last marking

1 SEVERIN - CROSS - KIM  
 2 period. And then it says I don't see anything. Ms.  
 3 Barnett is saying, I'm assuming she is saying she did  
 4 not see anything. And then that came on the  
 5 eighteenth. So, at the end, the inaccuracy is it  
 6 could not have been the deadline on the fifteenth for  
 7 me to have, you know, receive it on the same day and  
 8 submit it on the same day.  
 9 Q. But correct if I'm wrong, even as, based on  
 10 this email, as of June 23rd, 2015, you had not  
 11 submitted the grades, correct?  
 12 A. Like I say, this is inaccurate.  
 13 Q. I am asking you. I am not talking about  
 14 whatever inaccuracy you just talked about, but based  
 15 on the last document in this packet, if you could  
 16 please turn to that page--  
 17 A. [Interposing] Yes, go ahead.  
 18 Q. --as you can see, as of June 23rd, 2015,  
 19 you still had not sent to Ms. Barnett your grades for  
 20 the marking period three or four, correct?  
 21 A. This is definitely inaccurate. That's  
 22 incorrect.  
 23 Q. So, this email is wrong, too.  
 24 A. I am assuming, yes, it is, because--  
 25 Q. [Interposing] Okay--

SEVERIN - CROSS - KIM

A. --there is no way that Ms. Barnett documented when she received the file from me.

Q. Okay--

A. [Interposing] So, I don't know. This is incomplete.

Q. Your testimony is that this email is wrong.

THE HEARING OFFICER: Which, hang on, which email are you referring to?

MS. KIM: The last page--

THE HEARING OFFICER: [Interposing] Thank you.

MS. KIM: --of this packet.

THE HEARING OFFICER: I just want the record to reflect--

MS. KIM: [Interposing] Sure.

THE HEARING OFFICER: --what you're referring to.

MS. KIM: Sure.

MR. SEVERIN: Yes.

Q. The very last page, where it has in the middle in red, immediate action. So, you were saying that what is represented here in this email--

[Crosstalk]

Q. --by Ms. Barnett to you, saying that she

SEVERIN - CROSS - KIM

Q. [Interposing] Dr. Severin--

A. --when she received it.

Q. You are saying that this email is inaccurate.

A. Yes.

Q. That what Ms. Barnett has represented in this email--

A. [Interposing] Is inaccurate.

Q. --is wrong.

A. Yes.

Q. It's incorrect.

A. Yes.

Q. Because you did submit your grades.

A. Yes.

Q. You submitted the correct E-G-G files for marking period three and four.

A. Correct.

Q. Okay. Do you have the emails for that?

A. I didn't know I was going to be asked for that right now.

Q. Okay, but you do have emails showing that you did submit it to her.

A. Normally, yes.

Q. Within the deadline that is represented in

SEVERIN - CROSS - KIM

still has not received your grades for the marking period three and four periods, this is inaccurate as well.

A. Yes.

Q. Okay. So, did you ever--when did you submit the grades to her?

A. Ma'am, I don't know.

Q. You don't know.

A. I don't have that in front of me. I wasn't preparing for that.

Q. Okay. So, just to clarify, this email is also inaccurate.

A. Yes. I will say that, because I submitted the grades, and it is of interest to the Court to find out a complete email, when did she receive the grade from me.

Q. Well, it says in her email, on the last page, that as of 2:11 p.m., I have not received your grades for marking period three or marking period four.

A. This is totally inaccurate.

Q. So, you're saying--

[Crosstalk]

A. [Interposing] I would like to see--

SEVERIN - CROSS - KIM

this email?

A. Stating the deadline--

[Crosstalk]

Q. [Interposing] My question to you is you were saying--

MR. MASSENA: [Interposing] Objection.

Q. --that you do have emails--

THE HEARING OFFICER: [Interposing]

Wait, there's an objection, hang on. There's an objection. Listen to the question, and to the best of your ability provide a response.

MR. SEVERIN: Okay.

THE HEARING OFFICER: I think the question is a bit different than the answering you're offering.

MR. SEVERIN: Okay.

THE HEARING OFFICER: Thank you.

Q. So, what you are saying is you--that the grades that you submitted, you submitted them within the deadline period?

A. Yes.

Q. Is that what you're saying?

A. Yes.

Q. And you're saying that you do have these

1 SEVERIN - CROSS - KIM  
 2 emails showing that you submitted these grades within  
 3 the deadline period.  
 4 A. I don't have them with me, but I'm sure I  
 5 can produce that.  
 6 Q. Okay.  
 7 A. Ms. Barnett has a record of when I  
 8 submitted the grades.  
 9 Q. Oh, and what's in front of you right now is  
 10 not it.  
 11 A. No, it's not.  
 12 Q. Okay.  
 13 A. It does show when I sent it, when I  
 14 submitted the grades.  
 15 Q. Okay. So, whatever Ms. Barnett has  
 16 represented in her emails is totally false and  
 17 inaccurate?  
 18 A. I would not say totally false.  
 19 Q. But it's inaccurate--  
 20 A. [Interposing] It's inaccurate.  
 21 Q. --in your opinion.  
 22 A. Yes.  
 23 Q. Okay. Now, for Specification 14, Dr.  
 24 Severin, that's the allegation where you failed to  
 25 supply marking period two E-G-G files on or about May

1 SEVERIN - CROSS - KIM  
 2 29th, 2015. Now, for that Specification, okay. So,  
 3 this is Department Exhibit Number 25, Specification  
 4 14.  
 5 MS. KIM: Mr. Massena, if you can show  
 6 the witness a copy, I would appreciate it.  
 7 MR. MASSENA: Department what again,  
 8 sorry?  
 9 MS. KIM: It should be Department  
 10 Number 25. It's Specification 14.  
 11 Q. So, Dr. Severin, you have seen this letter  
 12 before, correct?  
 13 A. Yes.  
 14 Q. And this is something that you received and  
 15 signed for, correct?  
 16 A. Yes.  
 17 Q. And with respect to Specification 14, it's  
 18 of a similar allegation as to the one--as to the one  
 19 we just discussed, where you're alleged to have  
 20 failed to submit your marking period two E-G-G files,  
 21 correct?  
 22 A. Yes.  
 23 Q. And for that particular date, May 29, 2015,  
 24 it's true--isn't it true that you did not submit the  
 25 grades?

1 SEVERIN - CROSS - KIM  
 2 A. No, it's not true.  
 3 Q. So, you did submit them.  
 4 A. Yes.  
 5 Q. Okay. Now, if you look at the letter,  
 6 paragraph two, you will see. Read that paragraph to  
 7 yourself, please.  
 8 A. Go ahead.  
 9 Q. Ready?  
 10 A. Yes.  
 11 Q. Okay. So, when you were asked by the  
 12 Principal why you didn't submit your E-G-G file for  
 13 that particular date, do you recall your response  
 14 being I tried to submit my grades but it didn't go  
 15 through?  
 16 A. Yes.  
 17 Q. Okay. And when the Principal asked you why  
 18 did you not inform me of this issue, do you recall  
 19 saying to him, when I submitted the file and it  
 20 didn't go through, I realized once you sent me the  
 21 email? Do you remember that?  
 22 A. Yes.  
 23 Q. Okay. So, here you're saying that you did  
 24 submit the grades via email?  
 25 A. Yes.

1 SEVERIN - CROSS - KIM  
 2 Q. But the grades did not go through.  
 3 A. Yes.  
 4 Q. Okay. Is it similar--  
 5 A. [Interposing] I was informed it didn't go  
 6 through.  
 7 Q. Okay. And so because you didn't submit it,  
 8 the email properly, you missed the deadline, correct?  
 9 MR. MASSENA: Objection, Your Honor.  
 10 THE HEARING OFFICER: Yes. I am going  
 11 to sustain the objection just as to form.  
 12 MS. KIM: Okay, no problem.  
 13 Q. Now, the deadline that you were given was  
 14 May 29, correct?  
 15 A. Yes.  
 16 Q. Okay. And because you--the grades didn't  
 17 go through, you missed that deadline, correct?  
 18 A. Yes.  
 19 Q. Okay. And if you look at the last page of  
 20 this document, if you look at the last page, please.  
 21 A. Go ahead.  
 22 Q. If you could turn to the last page. Do you  
 23 see that document, correct?  
 24 A. Yes.  
 25 Q. And it's an email exchange between you and



1 SEVERIN - CROSS - KIM  
 2 Principal Dorcely, correct?  
 3 A. Yes.  
 4 Q. Okay. And do you see how--I am going to  
 5 point where it says on May 29, 2015, at 9:19:03 Steve  
 6 Dorcely, he sent you an email below that, correct?  
 7 A. Yes.  
 8 Q. And it says there that as of 7:03 p.m., I  
 9 have not received your E-G-G files, correct?  
 10 A. Yes.  
 11 Q. Okay. And do you see, above that, is your  
 12 response to Principal Dorcely's email, correct?  
 13 A. Yes.  
 14 Q. Okay. And in there, you don't talk about  
 15 E-G-G files. You're just, you were telling him that  
 16 you can't report to work on that following Monday or  
 17 Tuesday, correct?  
 18 A. That is the distortion of this, of  
 19 Principal Dorcely because--  
 20 [Crosstalk]  
 21 THE HEARING OFFICER: [Interposing]  
 22 Hang on, hang on, hang on, hang on. Ms. Kim, if  
 23 you believe that the witness is not being  
 24 responsive to your question, please ask for my  
 25 intervention and ask me to direct the witness to

1 SEVERIN - CROSS - KIM  
 2 respond to your question.  
 3 MS. KIM: Yes.  
 4 THE HEARING OFFICER: I really would  
 5 like to keep the tone as civil as possible for  
 6 the balance of this hearing.  
 7 MS. KIM: Yes.  
 8 THE HEARING OFFICER: So, why don't  
 9 you--  
 10 [Crosstalk]  
 11 THE HEARING OFFICER: [Interposing]  
 12 No, that's fine. So, why don't you ask the  
 13 question again and see if we can get an answer.  
 14 If you feel again it's not responsive, please  
 15 seek my intervention.  
 16 MS. KIM: Yes, I will.  
 17 Q. So, Dr. Severin, again, above Principal  
 18 Dorcely's email to you is your response to him,  
 19 correct?  
 20 A. Correct. No, that's inaccurate.  
 21 Q. That is not your response--  
 22 [Crosstalk]  
 23 A. [Interposing] That is not my response to  
 24 him.  
 25 Q. Okay, but that is your email, correct?

1 SEVERIN - CROSS - KIM  
 2 A. Yes.  
 3 Q. Okay. And that email, as you can see, is  
 4 right above the one that he wrote to you, correct?  
 5 A. Correct.  
 6 Q. And in your email, there is no mention  
 7 about E-G-G files, correct?  
 8 A. That's correct.  
 9 Q. And in your email, there is no attachment,  
 10 correct?  
 11 A. That is correct--  
 12 Q. [Interposing] Okay, thank you. Thank you.  
 13 A. Okay.  
 14 Q. Thank you.  
 15 MR. MASSENA: Off the record for a  
 16 moment, please.  
 17 THE HEARING OFFICER: Sure, let's go  
 18 off the record.  
 19 [OFF THE RECORD, Break 3:05 p.m.]  
 20 [ON THE RECORD, Break 3:11 p.m.]  
 21 [Background conversation]  
 22 THE HEARING OFFICER: Ms. Kim?  
 23 MS. KIM: Yes, thank you.  
 24 Q. Now, Dr. Severin, with respect to emergency  
 25 lesson plans, you're familiar with what they are,

1 SEVERIN - CROSS - KIM  
 2 correct?  
 3 A. Yes.  
 4 Q. And you would agree with me that emergency  
 5 lesson plans are important because if, for example, a  
 6 teacher is out sick, then they can be utilized for  
 7 someone to step in to teach the lesson, correct?  
 8 A. Yes, you mean in my opinion? I don't  
 9 understand the question.  
 10 Q. Okay, you don't understand the question.  
 11 Now, so tell me what an emergency lesson plan is.  
 12 MR. MASSENA: One moment, Your Honor.  
 13 May we go off the record for a moment?  
 14 THE HEARING OFFICER: Okay, let's go  
 15 off.  
 16 [OFF THE RECORD, Conference 3:12 p.m.]  
 17 [ON THE RECORD, Conference 3:13 p.m.]  
 18 A. The emergency lesson plan, basically  
 19 teachers are supposed to go by them in case of  
 20 emergency.  
 21 Q. Okay. And isn't it true that for each  
 22 semester or term of the school year, it's a teacher's  
 23 responsibility to have at least three of them on  
 24 hand, correct?  
 25 A. Yes.

SEVERIN - CROSS - KIM

Q. Okay. And once those three are used, then a teacher has to replenish them, correct?

A. Yes.

Q. Now, for--I'm sorry, that was Specification 16. So, back in between January and February of 2015, you were absent prior--from work prior to that time period, correct?

A. Yes.

Q. And because you were absent, the school had to utilize your emergency lesson plans, correct?

A. Yes.

Q. Okay. And with respect to your emergency lesson plans, I am going to show the witness what's in evidence as Department Exhibit Number 27, the second page. Now, Dr. Severin, look at that document and let me know when you're finished.

A. Yes.

Q. Okay. Now, that is an email that Ms. Townes [phonetic], the school secretary, sent to you, correct?

A. Correct.

Q. Okay. And in there, she is asking you, because you used up--or not that you have used it, but the school has used up your three emergency

SEVERIN - CROSS - KIM

A. Yes.

Q. Okay. And as of the date of that meeting, you, in fact, had not supplied the school with three emergency lesson plans, correct?

A. That's incorrect.

Q. That's incorrect?

A. Yes.

Q. Okay. Your--

A. [Interposing] Bear in mind-- [Crosstalk]

Q. [Interposing] No, no, no, no.

A. --twenty seventh.

[Crosstalk]

THE HEARING OFFICER: [Interposing]

There is no question before you.

MS. KIM: Yes, yes.

MR. SEVERIN: Oh, okay.

Q. So, the second paragraph where it starts during a meeting I asked, in there it documents what your response was at the meeting, correct?

A. Mm hmm, yes.

Q. Okay. And do you recall--

A. [Interposing] Wait, I'm sorry, do you ask-- you said--say that question again, I'm sorry.

SEVERIN - CROSS - KIM

lesson plans. She asks you to replenish that supply, correct?

A. Correct.

Q. Okay, you can hand that back. And in the email, it references two specific dates that you were absent, correct?

A. Correct.

Q. January 6th and 7th, 2015?

A. Yes.

Q. And then her email is dated January 7th, 2015, correct?

A. Yes.

Q. Okay. And the documents, the first page of this is the letter to file that you received?

A. Yes.

Q. Okay. And your signature is at the bottom?

A. Yes.

Q. Okay. And in there, it was regarding, that letter is regarding a meeting that the Principal with you regarding the three emergency lesson plans, correct?

A. Yes.

Q. Okay. And the date of that disciplinary meeting was February 12th, 2015?

SEVERIN - CROSS - KIM

Q. That your response was documented in the second paragraph of this letter, starting it starts, the paragraph starts during our meeting I asked you.

A. Yes.

Q. Okay.

A. But that's not my full response.

Q. Sir, okay. And at that meeting, the UFT District rep, Charlie Turner [phonetic], was present?

A. Yes.

Q. Okay. And at the meeting, he spoke on your behalf, correct?

A. Yes.

Q. Okay. And you spoke on your own behalf and he also spoke on your behalf?

A. I wouldn't say he spoke on my behalf. I don't remember the exact, you know. I remember I was really slandered at that meeting--

[Crosstalk]

Q. [Interposing] Okay. So--

A. [Interposing] But I don't remember.

Q. --did Mr. Turner, he spoke at the meeting, correct?

A. Yes.

Q. Okay.

SEVERIN - CROSS - KIM

MS. KIM: I am showing the witness what's in evidence as Department Exhibit Number 28.

Q. Now, Dr. Severin, you have seen that letter to file, correct?

A. Yes.

Q. And then if you would turn to the next page, the remaining documents include an observation report, an observation of you back on December 22nd, 2014, correct?

A. Correct.

Q. Okay. And if I can just have the document back, please.

A. Just one second.

Q. Now, based on that December 2014 observation, there were a few things that Principal Dorcely wanted you to do based on the observation, correct?

A. Correct.

Q. Okay. And one of the things that he wanted you to do was to supply to the administration weekly lesson plans, correct?

A. Correct.

Q. Okay. And another directive that the

SEVERIN - CROSS - KIM

Q. Okay. Now, so it's your testimony that you did schedule those sessions with the Principal.

A. Yes.

Q. Okay. Now, you proactively scheduled them with the Principal.

A. What does proactive mean?

Q. That you took the initiative, and you are the one who scheduled those sessions with the Principal.

A. Yes. He informed me--

[Crosstalk]

Q. [Interposing] So, it's a yes.

A. No, he informed me to--

[Crosstalk]

THE HEARING OFFICER: [Interposing]

Okay, just turn to me, Ms. Kim, and I will direct the witness, as I have been, just to listen to the question--

MS. KIM: [Interposing] Yes.

THE HEARING OFFICER: --and answer.

The way this works, as you probably know by now, Dr. Severin, is you have very able counsel. He gets an opportunity to redirect--

[Crosstalk]

SEVERIN - CROSS - KIM

Principal gave to you was to schedule four instructional support sessions, correct?

A. Correct.

Q. Okay. And with respect to the weekly lesson plans, isn't it true that you did not submit them to administration as directed by the Principal in his observation report?

A. Correct.

Q. Okay. And with respect to the four instructional support sessions, isn't it also true that you did not schedule those four instructional support sessions with Principal Dorcely?

A. That's incorrect.

Q. That is incorrect.

A. Yes.

Q. Okay. Now, you were aware, at that time, that you were supposed to schedule them, correct?

A. They were scheduled, yes, correct.

Q. Okay. And Ms. Townes actually reached out to you, actually no. Ms. Townes reached out to the Principal and cc'd you to let you know which dates were to be scheduled for the support sessions, correct?

A. Were scheduled, yes.

SEVERIN - CROSS - KIM

MR. SEVERIN: [Interposing] Okay.

THE HEARING OFFICER: --and then he can ask for clarifications, and he I'm certain will--

MR. SEVERIN: [Interposing] Okay.

THE HEARING OFFICER: --with regard to certain of the questions.

MR. SEVERIN: Yes, sir.

Q. So, your testimony is that you did schedule the four support sessions with the Principal, correct?

A. Yes.

Q. When did you schedule them?

A. I don't remember the exact date.

Q. Okay. Did you schedule them by the deadline, which was the week of January 5, 2015?

A. I don't remember.

Q. The sessions that you say that you scheduled, it was just four sessions, correct?

A. Yes.

Q. And they were the only four for that school year, correct, starting from, no, the latter half of the school year. So, starting January 2015 until the end of that school year, it was just those four?

SEVERIN - CROSS - KIM

A. That's what was requested.

Q. Okay. Now, Dr. Severin, you've already testified about there was one date. I believe it was around November 25th, 2015, when you were showing a video, or a movie in your class room, correct?

A. Correct.

Q. And on or about that date, the allegation is that the lights were completely off in your class room, correct?

A. Correct.

Q. Okay. And on the last date that you testified, just one moment please. When Mr. Massena was asking you questions, your testimony was that you had turned off the lights and lowered the shades, because it was hard to see, correct?

A. Yes.

Q. Because there was like a glare or something in the room?

A. Yes.

Q. Okay. And while you were showing the video, how long was that video for?

A. Three to five minutes at most. These are video clips.

THE HEARING OFFICER: I'm sorry, I

SEVERIN - CROSS - KIM

didn't hear you.

MR. SEVERIN: These are video clips.

Q. Okay. And while you were playing the video clips, isn't it true that some of the students had their heads down?

A. I cannot recall that now.

Q. Now, based on that allegation, you met with the Principal and the AP, along with Mr. Satchell and Mr. Duncan, to discuss what allegedly happened in the class that day?

A. I don't remember.

Q. But you received a letter to file, correct?

A. Yes, yes.

Q. Okay.

[Background conversation]

THE HEARING OFFICER: Is this a new exhibit or are you referring--

MS. KIM: [Interposing] Yes. Actually I'd like to have it marked for identification as Department Exhibit Number 32 I believe.

THE HEARING OFFICER: Yes, that's correct. As a general practice, I mark my own exhibits--

MS. KIM: [Interposing] Oh, I

SEVERIN - CROSS - KIM

apologize.

THE HEARING OFFICER: --but thank you for the courtesy.

MS. KIM: Sure.

THE HEARING OFFICER: We'll mark this for identification as DOE 32.

Q. Now, Dr. Severin, do you recognize this document?

A. Yes.

Q. Okay. And this is the letter to file that was issued to you after you met with Ms. Barnett, Mr. Dorcey, and your two union representatives, concerning the allegation of showing you a video in your class room with the lights off, correct?

A. Correct.

Q. And you received a copy of this document, correct?

A. Yes.

Q. And on the second page, it is your signature at the bottom of the page?

A. Yes.

Q. Okay. And this is a fair and accurate copy of the letter to file that you received with respect to the allegation, correct?

SEVERIN - CROSS - KIM

A. Yes.

Q. Okay.

MS. KIM: Arbitrator Brown, I'd like to have this entered into evidence as DOE Exhibit Number 32.

THE HEARING OFFICER: Any objection?

MR. MASSENA: Just one moment, Your Honor.

THE HEARING OFFICER: Sure.

MR. MASSENA: No objection.

THE HEARING OFFICER: DOE 32 is in evidence.

[Whereupon Department of Education's Exhibit 32 is admitted into evidence]

Q. Now, Dr. Severin, you testified before about an allegation that you reported to SCI against Principal Dorcey, correct?

A. Correct.

Q. Okay. And I believe your testimony was that you spoke with an investigator about the allegation that you made?

A. Yes.

Q. And it was an investigator from OSI, correct?

1 SEVERIN - CROSS - KIM  
 2 A. Do I get to explain?  
 3 Q. Do you know? Do you remember if it was  
 4 OSI?  
 5 A. It was OSI. Then I was asked to contact  
 6 SCI.  
 7 Q. Okay. And so when you first reported that  
 8 allegation against Principal Dorcely, so just to  
 9 clarify, was it OSI that you reached out to or was it  
 10 SCI?  
 11 A. I called OSI, and OSI heard, and then they  
 12 asked me to contact SCI.  
 13 Q. Okay. When you initially reported the  
 14 allegation to OSI, correct?  
 15 A. It was not reported to OSI. It was  
 16 reported to SCI. They told me to report it to SCI.  
 17 Q. When you reported it to SCI--  
 18 A. [Interposing] Yes.  
 19 Q. --what was the allegation that you reported  
 20 to SCI about Principal Dorcely?  
 21 A. What I said to SCI was I don't know. I  
 22 didn't know if I had to report this, but I was  
 23 informed that I should report the Principal asking me  
 24 to--what I implied was changing of a grade. The  
 25 language may have been different. I said change of

1 SEVERIN - CROSS - KIM  
 2 grade, of right, because I understood that's what he  
 3 wanted me to do, but I have been told that he didn't  
 4 have right ask me to change the grade. Therefore, I  
 5 cannot say that he asked me, but he gave the young  
 6 lady the pencil to start writing. She started  
 7 writing, and when I recoiled from that, that's when  
 8 he changed the issue.  
 9 Q. So, that is the allegation that you  
 10 reported to SCI, correct?  
 11 A. Correct.  
 12 Q. Okay. And when you say that, correct me if  
 13 I'm wrong, that Principal Dorcely asked you to change  
 14 a grade, is that right?  
 15 A. Yes.  
 16 Q. Okay. What kind of grade?  
 17 A. It was a Global Regents for Student "A".  
 18 Q. Okay. So, you told SCI that Principal  
 19 Dorcely asked you to change the Global Regents grade  
 20 for that student.  
 21 A. Yes, but he asked me to look at it, see  
 22 what's wrong with it, where it can be improved. Once  
 23 I pointed out to him the way it should be improved,  
 24 he gave the young lady a pencil, and she started  
 25 writing.

1 SEVERIN - CROSS - KIM  
 2 Q. Okay.  
 3 A. When he noticed that I recoiled from that,  
 4 he said you know what, Student "A", forget it,  
 5 disregard. You come back and take the exam in  
 6 January.  
 7 Q. So, the Global Regents exam, isn't that--  
 8 the Regents are given right before the end of the  
 9 school year, correct?  
 10 A. Regents are given three times a year.  
 11 Q. And it's within the school year. So,  
 12 during September to end of June--  
 13 [Crosstalk]  
 14 A. [Interposing] No, it's all year. It goes  
 15 from you have a Regents in January, a Regents in  
 16 June, a Regents in August. And that particular  
 17 Regents was a summer Regents.  
 18 Q. So again, just for clarification, he asked  
 19 you regarding a Global Regents grade--  
 20 [Crosstalk]  
 21 MR. MASSENA: [Interposing] Objection  
 22 asked and answered, Your Honor.  
 23 THE HEARING OFFICER: Yeah, thank you.  
 24 That's already been established for the record.  
 25 MS. KIM: Okay.

1 SEVERIN - CROSS - KIM  
 2 Q. And, Dr. Severin, the allegations that you  
 3 made against Principal Dorcely, you filed a special  
 4 complaint against him, correct?  
 5 A. Yes.  
 6 Q. Okay. And with respect to that special  
 7 complaint the--excuse me for one second--you were  
 8 represented by the UFT with respect to that  
 9 complaint, correct?  
 10 A. Correct.  
 11 Q. Okay. And you filed a formal document, the  
 12 special complaint, outlining or listing all of the  
 13 allegations against Principal Dorcely, correct?  
 14 A. Correct.  
 15 Q. And to your knowledge, there was a  
 16 disposition that was reached jointly by the DOE and  
 17 UFT, correct?  
 18 A. Yes, but DOE--  
 19 Q. [Interposing] Yes, the question--  
 20 THE HEARING OFFICER: [Interposing]  
 21 Yes. Was there a disposition?  
 22 MR. SEVERIN: Yes.  
 23 THE HEARING OFFICER: Okay.  
 24 Q. Okay. And what's in evidence as Department  
 25 Exhibit Number 30, Dr. Severin, you have seen this

1 SEVERIN - CROSS - KIM  
 2 document before, correct?  
 3 THE HEARING OFFICER: A simple  
 4 question.  
 5 A. Yes.  
 6 Q. Okay. You received a copy of it after the  
 7 joint investigation by the DOE and the UFT was  
 8 completed.  
 9 A. This is not the joint investigation. This  
 10 is the--this is the Chancellor's evaluation, but the  
 11 joint investigation is different from that. This is  
 12 the Chancellor's determination.  
 13 Q. Actually, if you look at the last page, it  
 14 refers to on March 23, 2016, the JIC, JIC stands for  
 15 Joint Investigation Committee, correct?  
 16 A. Correct.  
 17 Q. Okay.  
 18 A. But this was written by the Chancellor's  
 19 representative.  
 20 Q. But this document is the only document that  
 21 came from this joint investigation, correct?  
 22 A. The joint investigation--  
 23 Q. [Interposing] Is that a yes or a no?  
 24 MR. MASSENA: He is answering the  
 25 question fully, Your Honor.

1 SEVERIN - CROSS - KIM  
 2 THE HEARING OFFICER: Okay, well let's  
 3 hear the answer. Go ahead.  
 4 A. The joint investigation was, I mean, found  
 5 merit for step two, but the joint investigation  
 6 report is not here. This isn't complete.  
 7 Q. Where is it?  
 8 A. Well, you ought to have access to it.  
 9 Principal Dorcey had it and produced this.  
 10 Q. So, you're saying this is not the--  
 11 A. [Interposing] This is not the joint  
 12 investigation.  
 13 Q. This is not the joint investigation--  
 14 A. [Interposing] No.  
 15 Q. --even though it says it.  
 16 [Crosstalk]  
 17 A. This is written by the Chancellor's  
 18 representative.  
 19 THE HEARING OFFICER: All right, let's  
 20 go off the record.  
 21 [OFF THE RECORD, Conference 3:34 p.m.]  
 22 [ON THE RECORD, Conference 3:37 p.m.]  
 23 THE HEARING OFFICER: All right, we're  
 24 back on the record. Ms. Kim?  
 25 MS. KIM: Yes.

1 SEVERIN - CROSS - KIM  
 2 Q. So, based on this document, Dr. Severin,  
 3 the allegations that you have listed against the  
 4 Principal, now isn't it true that the Joint  
 5 Investigation Committee found your allegations to be  
 6 unfounded?  
 7 A. That's not accurate.  
 8 Q. Okay. You have read this document before,  
 9 correct? You've seen it before?  
 10 A. This was presented here; however, the  
 11 document I have--  
 12 [Crosstalk]  
 13 Q. [Interposing] I am asking you--  
 14 [Crosstalk]  
 15 Q. --if you could answer the question about  
 16 this particular document.  
 17 THE HEARING OFFICER: Yeah, the  
 18 question is very specific about this particular  
 19 Chancellor's finding.  
 20 A. Yes, I read that here. I find it first on  
 21 my -- [00:01].  
 22 Q. Here meaning...?  
 23 A. During the hearing.  
 24 Q. Once this hearing started, this is when you  
 25 first saw this document.

1 SEVERIN - CROSS - KIM  
 2 A. Yes.  
 3 Q. Okay.  
 4 MS. KIM: Arbitrator Brown, if I could  
 5 just have a moment. We don't have to go off the  
 6 record. I just need a minute.  
 7 THE HEARING OFFICER: Sure.  
 8 MS. KIM: Thank you.  
 9 Q. Dr. Severin, with respect to Department  
 10 Exhibit Number 30, so prior to this hearing, your  
 11 union representatives did not give you a copy of  
 12 this?  
 13 A. Prior this hearing?  
 14 Q. Yes.  
 15 A. No.  
 16 Q. Okay. And prior--when was the first time  
 17 you found out about the results contained in that  
 18 document?  
 19 A. When was it we were here, Department  
 20 counsel who examined this, is when.  
 21 Q. So, prior to that, you did not know what  
 22 the outcome of--  
 23 A. [Interposing] No, ma'am.  
 24 Q. Okay. So, your union representatives, the  
 25 ones, any of the union representatives listed on the

1 SEVERIN - CROSS - KIM  
 2 first page of this document, none of those people  
 3 reached out to you and let you know that there was a  
 4 report?  
 5 A. They mailed it to me. I received this, I  
 6 think, Saturday. That's when I first received this.  
 7 Q. Which Saturday are you talking about?  
 8 A. This current, this past Saturday.  
 9 Q. This past Saturday?  
 10 A. Yeah.  
 11 Q. So, you received it in the mail on--  
 12 A. [Interposing] Two days ago.  
 13 Q. Two days ago. And then but prior to that--  
 14 A. [Interposing] No.  
 15 Q. --the union members had not forwarded it to  
 16 you.  
 17 A. No.  
 18 Q. Okay.  
 19 MS. KIM: Arbitrator Brown, I have no  
 20 further questions, but I do want to put  
 21 something on the record. I would like to make a  
 22 discovery request to Mr. Massena of during the  
 23 Respondent's testimony with respect to, I  
 24 believe it was Department Exhibit Number 13--  
 25 MR. MASSENA: [Interposing]

1 SEVERIN - CROSS - KIM  
 2 Department's 13 or--  
 3 MS. KIM: [Interposing] Oh, I'm sorry,  
 4 Specification number 13--  
 5 MR. MASSENA: [Interposing] Oh, okay.  
 6 MS. KIM: --regarding the E-G-G files.  
 7 And I believe his testimony was that he had  
 8 emails showing that he did supply those files to  
 9 the AP. And I believe he testified that he did  
 10 not prepare or maybe anticipate that he would  
 11 need them. So, I am asking that they be  
 12 produced. And also if the Respondent has  
 13 anything showing that he submitted them for  
 14 Specification number 14, I'd like those emails  
 15 as well, including any attachments that were  
 16 included in those emails.  
 17 MR. MASSENA: Okay. So, you're  
 18 looking for E-G-G--any emails regarding E-G-G  
 19 files, specifically in Specifications 13 and 14,  
 20 correct?  
 21 MS. KIM: And 14, yes.  
 22 THE HEARING OFFICER: Mr. Massena?  
 23 MR. MASSENA: I'll do my best to get  
 24 them.  
 25 THE HEARING OFFICER: Okay. So, no

1 SEVERIN - CROSS - KIM  
 2 further questions for cross examination?  
 3 MS. KIM: That is correct, yes.  
 4 THE HEARING OFFICER: Okay, any  
 5 redirect?  
 6 MR. MASSENA: Yes, Your Honor, there  
 7 is redirect; however, I was going to ask to make  
 8 a request.  
 9 THE HEARING OFFICER: Okay.  
 10 MR. MASSENA: I am going to request  
 11 that we be allowed to call Mr. Duncan, the UFT  
 12 Director. He's been outside--  
 13 [Crosstalk]  
 14 THE HEARING OFFICER: [Interposing]  
 15 Okay. We'll let you call him out of order. Is  
 16 there any objection?  
 17 MS. KIM: No. I would just like--  
 18 [Background conversation]  
 19 MS. KIM: --but it shouldn't be a  
 20 problem.  
 21 THE HEARING OFFICER: Okay.  
 22 MR. MASSENA: He was present during  
 23 some of the disciplinary meetings that came up  
 24 during direct and cross examination.  
 25 THE HEARING OFFICER: Okay.

1 SEVERIN - CROSS - KIM  
 2 MR. MASSENA: And some Mr. Satchell  
 3 wasn't present.  
 4 THE HEARING OFFICER: Okay. So, he's  
 5 being offered as a fact witness relevant to some  
 6 of the Specifications. Okay hearing no  
 7 objection, let's take a moment off the record.  
 8 Let's produce this next witness out of order. I  
 9 just want Dr. Severin to know that during this  
 10 process, that he still cannot talk about his  
 11 particular testimony with counsel, because he is  
 12 still on the witness--  
 13 [OFF THE RECORD, Getting witness 3:43  
 14 p.m.]  
 15 [ON THE RECORD, Getting witness 3:53  
 16 p.m.]  
 17 THE HEARING OFFICER: Mr. Massena, I  
 18 see that the Respondent has another witness, if  
 19 you kindly introduce him to us.  
 20 MR. MASSENA: Yes, the Respondent  
 21 calls Mr. James Duncan.  
 22 THE HEARING OFFICER: All right, Mr.  
 23 Duncan, if you would kindly raise your right  
 24 hand. Do you swear to tell the truth, the whole  
 25 truth, and nothing but the truth?

SEVERIN - CROSS - KIM

MR. JAMES DUNCAN: Yes, I do.

THE HEARING OFFICER: Mr. Massena,  
your witness.

MR. MASSENA: Sure.

DIRECT EXAMINATION

BY MR. MASSENA

Q. Mr. Duncan, I am just going to ask you a few questions. If you don't understand anything I'm saying, just ask me to repeat or rephrase. I'll be more than happy to do so. Mr. Duncan, what do you do for a living?

A. I am a teacher.

Q. Okay. And how long--

A. [Interposing] And a union representative.

Q. Okay.

COURT REPORTER: Speak up, speak up.

Q. How long have you been a teacher?

A. Eighteen years.

Q. Okay. And how long have you been a union rep?

A. I have been a part time union rep for three years. I have been a District rep for Brooklyn high schools for the past year.

Q. Okay. And which District do you serve as

DUNCAN - DIRECT - MASSENA

that school.

Q. And lastly, do you also know an individual by the name of Jean Richard Severin?

A. Yes, I do.

Q. And how do you know him?

A. He is one of the teachers at that school.

Q. Okay. And have you had an occasion to meet with these individuals within the last two years?

A. Yes, I have.

Q. Okay. Could you describe that to the Arbitrator, please?

A. Okay. I have--I met with Dr. Severin, along with the Chapter Leader and other members of the school, throughout the year. There was--it was one of the schools I had more activity in.

Q. What do you mean by that?

A. More complaints from staff. There seems to be a problem with the way discipline is handled at the school.

Q. And when you say the way discipline is handled in the school, what do you mean by that?

A. For instance, the number of discipline letters given out by the Principal is well far and above any other school. Out of 40 schools, I did a

DUNCAN - DIRECT - MASSENA

a--

A. [Interposing] Brooklyn high schools.

Q. All the Brooklyn high schools.

A. I am responsible for 40 of the Brooklyn high schools directly.

Q. And what does some of your responsibilities entail in that role?

A. My responsibilities are to make sure the members of those schools are treated contractually fairly, that they have adequate tools to do their jobs, and I take care of things like grievances, complaints, and other issues.

Q. Do you know an individual by the name of Principal Barnett--Assistant Principal Barnett?

A. Yes, I do.

Q. How do you know that individual?

A. She's the Assistant Principal at one of my schools.

Q. Okay. Would that school happen to be Urban Action Academy?

A. Yes, it is.

Q. Okay. And do you also know an individual by the name of Dorcelly, Mr. Dorcelly?

A. Yes, Principal Dorcelly is the Principal at

DUNCAN - DIRECT - MASSENA

survey at the end of last year. I had 85 disciplinary letters for the 40 schools from December. From December in Urban Action, I had--I'm sorry, I had 85--85 total letters since December. Fifty of them were from Urban Action, from one school.

Q. And so you said you had an opportunity to meet with these individuals, correct?

A. Right, because of the number of times I was in there, there was--there seemed to be a situation that was coming to a head between Dr. Severin and Principal Dorcelly. I had seen that. Michael Prayor, the Superintendent, had come to me when he had noticed it. We talked about it. So, we tried to come up with a plan to alleviate that anxiety that seemed to be building between the two individuals.

Q. And what was that plan?

A. The plan was to develop a one month period of what we call the cooling off period, where both members would have limited interaction. They would both continue to do their jobs in the most professional manner, but they would limit their interaction with each other over a period of a month. And then through their cooling off period, Dr.



DUNCAN - DIRECT - MASSENA

Severin would look for another place for employment, and Principal Dorcey would stop what I considered harassing him with the disciplinary letters.

Q. So, what happened next?

A. We set up a meeting. Everyone was in agreement at that meeting. It was Superintendent Prayor, his community liaison, I believe his name was Mr. Henry, myself, Dr. Severin, Mark Satchell, a Chapter Leader, Principal Dorcey. The meeting took about 45 minutes. We all agreed that they would limit their interaction. Dr. Severin could be observed during that period of time. They would not use Danielson in the observations. I believe he said that the Principal--Assistant Principal Barnett would do any observations. And it was agreed that Dr. Severin would stop--would not go forward with an Article 23, which he had submitted to me, and I was bringing to the committee in Brooklyn. And Principal Dorcey wouldn't go forward with any further disciplinary actions as an Article 3020 or anything like that. To be able, at the end of that meeting, Principal Dorcey informed us that there was still some outstanding disciplinary letters that had not been signed by Dr. Severin. So, I agreed, as a

DUNCAN - DIRECT - MASSENA

gentleman and to expedite matters in this, to come in and act as his representative for those disciplinary letters. There were two, and it turned out, an observation report. The reason I did that is Mark Satchell, who is a young teacher, had been doing so many of these hearings it was taking away from his work as an educator. So, to expedite the matter, I went in to meet with the Principal and Dr. Severin to get it to stop. When I went into the meeting, he produced the first letter. I honestly don't remember what this--what was the specifics of the letter, but he demanded an explanation.

Q. When you say demanded, how did he present the letter?

A. He said, well, this is what it says, and I want to know what you say in response to it.

Q. How would you describe Principal Dorcey's tone during that meeting?

A. His tone was aggravated and harassing, belittling. So, I repeated what we had said at the meeting that--and what I advised Dr. Severin to do. He had no comment and that he would sign it.

Q. And what did you do? What happened next in the meeting?

DUNCAN - DIRECT - MASSENA

A. Well, he said--he told Barnett to say to write down Duncan says no comment, and my response was write down that no comment to expedite the matter, is what I asked them write down for the record. The same was repeated with the next letter, exactly the same. He asked for an explanation. I said no comment. Sign the letter. He signed the letter. Then he wanted the observation report signed. Dr. Severin said he thought he had done that already. He said this was a different observation than the one he had signed earlier. So, I asked him to sign it and to look at it later, which is our policy anyway. As UFT reps, we tell our members to sign and then grieve if there's an issue--

[Crosstalk]

Q. [Interposing] So, did you--did you have an opportunity to review how many observations had been made of Dr. Severin?

A. I had--I can't tell you off hand, but there had been a disproportionate amount of observations compared to what the average teacher gets. I have three and a half thousand members. When people have issues with observations, I have a greater problem with people not getting observed enough. It's very--

DUNCAN - DIRECT - MASSENA

[Background noise papers shuffling]

A. --a lot. I think he had over 25 disciplinary letters by this point, which is more than most schools have. And I never heard anything in the way of remedy, just--and I had spoken to Principal Dorcey about this a number of times.

THE HEARING OFFICER: What do you mean remedy?

MR. DUNCAN: Well, if a teacher is getting disciplinary letters, there should be a reason for them, and there should be a cause. So--

[Crosstalk]

THE HEARING OFFICER: [Interposing] So, but you used the word remedy--

[Crosstalk]

MR. DUNCAN: --so if there's a cause, a good administrator will find out, you know, see what the cause is, and try to do something to correct that, whatever is leading to those letters, unless it's a one-time thing.

THE HEARING OFFICER: Thank you.

MR. DUNCAN: So, if it's pedagogy, what do you do to support the person to be a

1 DUNCAN - DIRECT - MASSENA  
 2 better teacher?  
 3 THE HEARING OFFICER: Thank you.  
 4 [Crosstalk]  
 5 A. At the end of that--at the end of that  
 6 meeting, we stood up, and that was supposed to be,  
 7 now mind you, I had worked to get this done. The  
 8 Superintendent had done work. We've all put a lot in  
 9 to stay to this, to try to correct this, because we  
 10 saw it as a, you know, as something that wasn't  
 11 helping anybody. I got up to leave. I said thank  
 12 you. And when we were leaving, Principal Dorcely,  
 13 now I go forward with the 3020-a hearings. I asked  
 14 him I said, well, what are you talking about? I  
 15 thought this was an agreement for a cooling off  
 16 period. Everyone had said so. He said, that doesn't  
 17 mean I won't go forward with this. I am going  
 18 forward with this, because I want him out of here, or  
 19 something along that line. I can't say verbatim.  
 20 Q. How did you take that?  
 21 A. I said, well, this is a--I was upset. I  
 22 said, this is--this is ridiculous, because we all  
 23 agreed that this was a period where we could--cool  
 24 heads should prevail and things could possibly --  
 25 [00:01]. He said he would go forward. I said, and

1 DUNCAN - DIRECT - MASSENA  
 2 that is not what the meeting was about. I said there  
 3 were six people at that table. We all agreed to  
 4 this. If you are not going to abide by it, then I  
 5 guess my member won't abide by his side of the  
 6 agreement either, and that was it. That was the end  
 7 of the meeting.  
 8 Q. Have you heard anything Principal Dorcely  
 9 since then regarding Dr. Severin or anything  
 10 regarding Principal Dorcely since then?  
 11 A. Well, it's been a constant--there's been  
 12 constant back and forth with more letters. I mean  
 13 Mark Satchell keeps me informed, because that's the  
 14 relationship I have with all my Chapter Leaders,  
 15 keeping me informed to what we could do to make the  
 16 school better.  
 17 Q. Okay.  
 18 MR. MASSENA: No further questions,  
 19 Your Honor.  
 20 THE HEARING OFFICER: Cross  
 21 examination?  
 22 MS. KIM: Yes. Thank you, Arbitrator  
 23 Brown.  
 24 CROSS EXAMINATION  
 25 BY MS. KIM

1 DUNCAN - CROSS - KIM  
 2 Q. Good afternoon, Mr. Duncan. I'm the  
 3 attorney for the Department. And if there is a  
 4 question that you don't understand, just let me know  
 5 and I'll rephrase.  
 6 A. What is your name?  
 7 Q. Dana.  
 8 A. Okay, Dana.  
 9 Q. Yes, yes. So, okay, you testified that you  
 10 have been a Chapter, let's see, a District rep for  
 11 the past year, focusing on Brooklyn high schools,  
 12 correct?  
 13 A. Correct.  
 14 Q. And you were also a union rep for three  
 15 years.  
 16 A. Yes.  
 17 Q. So, is that, the union rep position, is  
 18 that something that you do full time continuously as  
 19 a District rep?  
 20 A. No. I was Chapter Leader for three years  
 21 and worked part time in the Brooklyn office. Now, I  
 22 am strictly a District rep--  
 23 [Background conversation]  
 24 Q. Okay. And--  
 25 A. [Interposing] I'm sorry to be--it did for

1 DUNCAN - CROSS - KIM  
 2 about a month or two--  
 3 [Background conversation]  
 4 Q. And so when you were the UFT Chapter  
 5 Leader, which school were you assigned to?  
 6 A. Edward R. Murrow.  
 7 Q. Edward R. Murrow. And with respect to Dr.  
 8 Severin, now you have spoken with Dr. Severin about  
 9 his 3020-a matter?  
 10 A. That it was not specifically about the  
 11 details of it, but that the Principal was going  
 12 forward with that.  
 13 Q. Okay. And with respect to this 3020-a  
 14 matter, you have not spoken with Principal Dorcely  
 15 about the details of it, correct?  
 16 A. The details, well I spoke to Dorcely  
 17 numerous times about what his take was on Severin,  
 18 what he thought, when I was trying--when I was trying  
 19 to figure a way to resolve this.  
 20 Q. Okay. In that conversation you had with  
 21 Principal Dorcely that was before the meeting where  
 22 it was decided there would be a cooling off period?  
 23 A. Yes.  
 24 Q. Okay. And that cooling off period meeting,  
 25 correct me if I'm wrong, but it take place around

1 DUNCAN - CROSS - KIM  
 2 December of 2015?  
 3 A. Right.  
 4 Q. Okay. You were in attendance along with  
 5 Principal Dorcely, Mr. Satchell, Mr. Moses--  
 6 A. [Interposing] I forgot Mr. Moses.  
 7 Q. --Dr. Severin, and the Superintendent  
 8 Prayor, correct?  
 9 A. Yes.  
 10 Q. Okay, anyone else other than the  
 11 individuals I mentioned?  
 12 A. I don't think so.  
 13 Q. Okay. And so with respect to this cooling  
 14 off period, the purpose of that meeting was to get  
 15 both sides to come together to have some sort of at  
 16 least temporary resolution to sort of take the heat  
 17 off each other, correct?  
 18 A. Yes.  
 19 Q. Okay. And--  
 20 A. [Interposing] That's cooling off.  
 21 Q. Yes, hence a cooling off period, yes. And  
 22 you just testified that in terms of what's going on  
 23 with Dr. Severin, would it be fair to say that Dr.  
 24 Severin, along with Mr. Satchell, are the ones who  
 25 have been filling you in as to what's been going on?

1 DUNCAN - CROSS - KIM  
 2 A. Mostly, but others as well.  
 3 Q. Okay. The meetings that you were present  
 4 for on behalf of Mr. Severin, I believe you testified  
 5 that it was so that Mr. Satchell can, correct me if I  
 6 am wrong, tend to other matters that he had pending  
 7 at the school?  
 8 A. That one meeting, where about--that was,  
 9 yes, it was a courtesy to get--to expedite the matter  
 10 and get--  
 11 [Background conversation]  
 12 Q. So just to be clear, was it one meeting or  
 13 two meetings where you accompanied Mr. Severin--  
 14 A. [Interposing] One.  
 15 Q. Just one. So, it was actually, okay, the  
 16 meeting for the cooling off period?  
 17 A. Cooling off period.  
 18 Q. And then the one meeting where it was a  
 19 disciplinary--  
 20 [Crosstalk]  
 21 Q. --conference.  
 22 A. Yes.  
 23 Q. Okay. And with respect to that  
 24 disciplinary conference, or did Mr. Satchell tell you  
 25 about the other disciplinary conferences that he had

1 DUNCAN - CROSS - KIM  
 2 attended for or on behalf of Mr. Severin?  
 3 A. Well, how do you mean did he tell me?  
 4 Q. Did he ever tell you about those meetings?  
 5 A. Yes, he--there were numerous.  
 6 Q. Okay. And with respect to the numerous  
 7 meetings that he told you about, and the ones that  
 8 you attended with Dr. Severin, are you aware of the  
 9 outcomes of all of those meetings combined?  
 10 A. No, I am not aware as to the outcome of all  
 11 of them.  
 12 Q. Okay. Did you speak with--  
 13 A. [Interposing] I am aware of the amount of  
 14 them.  
 15 Q. Okay, but not the outcomes.  
 16 A. No.  
 17 Q. Okay. And I know you have established that  
 18 you have spoken with Principal Dorcely. Did you ever  
 19 speak with Assistant Principal Jordan Barnett about  
 20 this case or about Dr. Severin?  
 21 A. Not specifically, no.  
 22 Q. Okay, all right. And, you know, would it  
 23 be fair to say that you, as a union member, whether  
 24 as a Chapter Leader or as a District rep, it's your  
 25 job to advocate for your union members, correct?

1 DUNCAN - CROSS - KIM  
 2 A. Yes.  
 3 Q. And to make sure that they're--  
 4 THE HEARING OFFICER: [Interposing]  
 5 Voices up, please.  
 6 MS. KIM: Sure.  
 7 MR. DUNCAN: Oh.  
 8 A. Yes. It's my job to advocate for my  
 9 members to make sure that they're contractually  
 10 treated fairly.  
 11 Q. Yes. And so you, as the union member or as  
 12 a leader or a District rep, are looking out for your  
 13 members' best interests, correct?  
 14 A. Correct.  
 15 Q. Okay.  
 16 MS. KIM: I just need one moment,  
 17 Arbitrator Brown.  
 18 THE HEARING OFFICER: Sure.  
 19 MS. KIM: I don't believe--  
 20 [Background conversation]  
 21 MS. KIM: I have nothing further.  
 22 THE HEARING OFFICER: Any redirect?  
 23 MR. MASSENA: No redirect.  
 24 THE HEARING OFFICER: All right. I  
 25 just have a question for you. You stated that

DUNCAN - CROSS - KIM

there were a couple of meetings you attended, one in which the cooling off period was discussed. And that, I believe, was in December of 2015, correct? Is that correct?

MR. DUNCAN: Yeah, correct.

THE HEARING OFFICER: Okay. And that you also attended a disciplinary conference.

MR. DUNCAN: Correct.

THE HEARING OFFICER: What was the date, if you recall, of the disciplinary conference?

MR. DUNCAN: I am not sure. It was within a week after. It was within a few days to a week. If I--one of the reasons I didn't, that was if we had a way for him to schedule Mark Satchell, he would have to lose time, or that it would be easier to schedule with him.

THE HEARING OFFICER: It may be reflected in one of the documents. I am being shown Department's Exhibit 32, which is dated December 18th, 2015. Any additional questions based on the question I put to the witness? Mr. Massena?

MR. MASSENA: No.

DUNCAN - CROSS - KIM

THE HEARING OFFICER: Ms. Kim?

MS. KIM: No.

THE HEARING OFFICER: That means you're excused as a witness. Thank you very much.

MR. DUNCAN: Thank you.

THE HEARING OFFICER: And let's go off the record.

[OFF THE RECORD, Walk witness out 1:30:31]

[ON THE RECORD, Walk witness out 1:30:31]

THE HEARING OFFICER: Okay. Are we ready to begin the redirect of the Respondent?

MR. MASSENA: Yes.

THE HEARING OFFICER: Dr. Severin, again, it's my job to remind you that you are still under oath.

MR. SEVERIN: Yes, sir.

REDIRECT EXAMINATION

BY MR. MASSENA

Q. Dr. Severin, you were asked, during cross examination, about an email dated Monday, June 1st of 2015, which is currently Department's 25 in evidence.

SEVERIN - REDIRECT - MASSENA

I am going to show it to you.

A. Okay, yes.

Q. Okay. And would you mind giving an explanation regarding that email, please?

A. This particular email does not address when the document was sent to Principal Dorcely. It only shows something that was totally irrelevant, that I just used the same email he sent me, and I just replied to him and informed him I was not coming to school. Now, what's important is the time and date that I submitted the grade, would be very helpful in clarifying this record.

Q. Now, did you have trouble with sending the email?

A. When I sent the email, I believe I may have used my DOE email. The DOE email tend to have issues. So, when I sent it, I received a email from Principal Dorcely, informing me that he did not receive it. I use a different email account, and that is why the grade is not reflected in this particular email. And I will submit that as requested.

Q. Okay.

MR. MASSENA: Now, at this time, I'd

SEVERIN - REDIRECT - MASSENA

like to have what was partially entered into evidence as Respondent's Number 13, which is an email correspondence between doctor, not doctor, between Mr. Prayor, the Superintendent, and Dr. Severin. The Department's main objection was that the objection to this coming this, was that the email was an incomplete email. I provided the Department with the full email, and I will note that basically two lines were left out. And I am submitting a copy of that to the Arbitrator, Your Honorable Arbitrator, and I'd ask that the document be moved in--be entered into evidence fully, and remain as Respondent's Number 13.

THE HEARING OFFICER: Okay. So, just so I understand, are you asking that this document substitute for Respondent's 13 as a complete copy of Respondent's 13, or are you asking that this be marked with a different number and added to the record?

MR. MASSENA: Thank you for the Court's--for the Arbitrator's guidance. I would say substitute it--

THE HEARING OFFICER: [Interposing]

SEVERIN - REDIRECT - MASSENA

Okay.

MR. MASSENA: --Respondent's 13.

THE HEARING OFFICER: I am going to give Ms. Kim an opportunity to review both documents, and we'll wait to hear from her.

MS. KIM: Thank you. I don't believe I have an objection, but if I could just ask a couple of questions--

[Background conversation]

THE HEARING OFFICER: Sure, please.

MS. KIM: Okay.

THE HEARING OFFICER: We're on the record still?

COURT REPORTER: Mm hmm.

VOIR DIRE

BY MS. DANA KIM

Q. Dr. Severin, these two documents, so this is the initial email that you discussed during your last testimony, correct?

THE HEARING OFFICER: You're showing the witness Respondent's Exhibit 13?

MS. KIM: Yes, that's correct.

A. Yes.

Q. Okay. And then this document that is not

SEVERIN - VOIR DIRE - KIM

A. Whatever the sent document, that's what it is.

Q. Did you--was this from your Outlook, Microsoft Outlook, or some other program?

A. I don't--whatever is the iPhone use. I just forwarded it.

MS. KIM: It's fine, I have no objection.

THE HEARING OFFICER: All right. So what we're going to do then is, I am going to discard what was in the record as Respondent's 13, and I am going to replace it with this new document. And I am going to mark it as Respondent's 13. So, in that sense, it's the new Respondent's 13 now in evidence.

[Whereupon Respondent's Exhibit 13 is admitted into evidence]

THE HEARING OFFICER: Mr. Massena, any additional questions or matters you wish to raise?

MR. MASSENA: Sure.

REDIRECT EXAMINATION (CONT.)

BY MR. MASSENA

Q. So, Dr. Severin, I'd like you to take what

SEVERIN - VOIR DIRE - KIM

marked, this is supposed to be the full email of Respondent Exhibit Number 13?

A. Yes.

Q. Can I ask you why it is that--do you notice how the format of this email differs from the one in front of you that's in your hand? Why is it that it's different?

A. I do not know why. It's different fonts I guess.

Q. Okay. The one you, this document here, who printed this document?

A. This was printed by my attorney.

Q. Okay.

MS. KIM: And, Mr. Massena, you printed this? Oh, you printed this one.

MR. SEVERIN: Yeah.

Q. So with this document, how is it that Mr. Massena, your attorney, was able to print this document?

A. I don't know. What's the difference?

Q. Did you send him the email?

A. Yeah, I forwarded him the email.

Q. Okay. And this email exchange, did you have it--where did you have it saved?

SEVERIN - REDIRECT - MASSENA

has now been--what has now been entered into evidence as Respondent's 13. Do you recognize--and taking a look at the second half of the email, the letter to Mr. Romano [phonetic], without going into detail, could you describe--could you describe what is being said in that email?

MS. KIM: Objection.

THE HEARING OFFICER: The document speaks for itself, Mr. Massena. I don't think we need the witness to describe it.

MR. MASSENA: Okay.

Q. Is it--is it fair to characterize that letter as a cry for help?

MS. KIM: Objection.

THE HEARING OFFICER: Sustained.

MR. MASSENA: Okay.

Q. What were you attempting to do by sending that email?

A. Basically, I was asking for help from Mr. Romano, from Superintendent Prayor, from anyone who would be able to help him with the situation that I was in at Urban Action. It was extremely hostile, extremely aggravating. The working environment was so toxic. Days I would leave work, headaches, I

SEVERIN - REDIRECT - MASSENA

mean--

Q. [Interposing] Do you feel that help ever came?

A. No.

Q. Okay. During cross examination, withdrawn. During cross examination, you were asked about the incident where Principal Dorcely stated that the lights were off in your room. Do you recall that?

A. Yes.

Q. Okay. And you were shown what is in--what is now in evidence as Respondent--Department's 40--

MS. KIM: [Interposing] Thirty two.

Q. --32, okay, and one moment.

[Background conversation]

Q. What is Department's 32, and you've had an opportunity to view that, correct?

A. Yes.

Q. Okay. Now, you, within that there is--within that paragraph two, there is a line where you say you mean you have--you mean how you taunted me with other Principals. What do you mean by that?

A. What happened was Principal Dorcely brought in his colleagues to look at me, jeering me, laughing, and pointing fingers at me. And

SEVERIN - REDIRECT - MASSENA

constant. I mean constant barrage of harassment.

Q. You had attempted to set up four support sessions, correct?

A. I did, yes.

Q. Okay. And what happened with those support sessions?

A. Those support sessions were scheduled. I attended them. Principal Dorcely and I worked on those support sessions; however, on that February 12th meeting with Charlie Turner, Principal Dorcely just brought in so many different allegations, including this, as some disciplinary matter, but it was not. It was a meeting that was scheduled. I think it was the day--if it was the twelfth, the discipline--they must have been scheduled twelfth in the afternoon, or on the thirteenth.

Q. Who were the support sessions supposed to be with?

A. With Principal Dorcely.

Q. So, you--you were supposed to sit in a room with Principal Dorcely?

A. Yes. That was--

[Crosstalk]

Q. [Interposing] How long would these meetings

SEVERIN - REDIRECT - MASSENA

afterwards, he went and sent me an email. This document here was not a letter to file. He sent me an email to inform me, please don't do--do not keep your light off; but later on, this was manifested into a letter, which as James Duncan was witness, as one of the letters that I was given as a disciplinary letter.

Q. And is it--could you, withdrawn. What did you feel about--what did you feel at the time that you were given a disciplinary letter for the December 15th, 2015, observation of your class, where--I'm sorry, the November 25th, 2015, where your class room lights were off? What did you--how did you feel when you received the disciplinary letter for that?

A. It was a continuation of all the different harassment that was going on throughout the school year. He had informed me not to turn--to keep one set of lights on, and to which I responded to him, yes sir, no problem; but this particular letter was not necessary, in that he made that concern known to me. I addressed it, but being that Principal Dorcely was really out to get me, to ride me as he stated in September, everything had to be a disciplinary letter. Everything had to be discipline, discipline,

SEVERIN - REDIRECT - MASSENA

be?

A. That was during the sixth period, common planning.

Q. Okay. And it's your understanding that it was--it would just be you and him at these meetings?

A. Yes.

Q. Alone.

A. Yes.

Q. How did that make you feel?

A. I mean it was humiliating, because at the beginning of the day, the lesson, the December 22nd, December 23rd observation that Principal Dorcely wrote me ineffective about, was a specific lesson that managed to get the children to be--to do some phenomenal work as far as writing their five to seven page essays. And I even sent Principal Dorcely an email, letting him know how debilitating his ineffective observation of my work, pleading with him, letting him know, Principal Dorcely, I take pride in this work. This is something that I informed you before I did it, but yet he deemed that it was ineffective. I sent him the email. Afterwards I even sent Superintendent Prayor the same email to inform him how this was not a professional

1 SEVERIN - REDIRECT - MASSENA  
 2 assessment, but it seemed personal. So, by the time  
 3 that whole observation, that whole session, was set  
 4 up, I didn't really say anything, because he's my  
 5 Principal. He's my supervisor, so I set them up. I  
 6 sat down. I attended, and I took notes, and I  
 7 implemented everything he recommended. That is why I  
 8 end up having effective, highly effective, in all the  
 9 lessons as he said. But then immediately after the  
 10 highly effective, effective observation report, I  
 11 followed the same plan, only to find out in  
 12 September, all of my lesson plans were ineffective.  
 13 I understand this is not about competency--  
 14 Q. [Interposing] Dr. Severin, let me stop you  
 15 for just one moment. When you speak of this highly  
 16 effective plan, well, withdrawn. So, you said more  
 17 specifically, sitting in the support session with  
 18 Principal Dorcelly, more specifically in terms of your  
 19 relationship with Principal Dorcelly at that time, how  
 20 did that make you feel?  
 21 A. It was very condescending. He was the  
 22 authority, as if he was scolding a child, as he was  
 23 scolding a subordinate. It was more humiliating and  
 24 degrading than professional.  
 25 Q. Okay.

1 SEVERIN - REDIRECT - MASSENA  
 2 MR. MASSENA: Just one moment, Your  
 3 Honor.  
 4 THE HEARING OFFICER: Mm hmm.  
 5 Q. You stated that cross that you did not  
 6 attend some of the meetings, the UFT meetings--the  
 7 disciplinary conference meetings.  
 8 A. Yes.  
 9 Q. Why not?  
 10 A. Basically, it was always combative. There  
 11 was never a true reflection of my responses. At  
 12 those meetings, Principal Dorcelly would just write  
 13 whatever he want from my response. And there was no  
 14 objectivity doing those write ups. It was constantly  
 15 how do you--you have been charged with this, as if  
 16 this was a criminal procedure. You have been, you  
 17 know, these charges have been brought against you.  
 18 It was always condescending, constantly berating,  
 19 constantly belittling. It was intimidation,  
 20 confrontational.  
 21 MR. MASSENA: Just one moment, Your  
 22 Honor.  
 23 THE HEARING OFFICER: Mm hmm.  
 24 MR. MASSENA: Okay, nothing further.  
 25 THE HEARING OFFICER: Any additional

1 SEVERIN - REDIRECT - MASSENA  
 2 questions from the Department?  
 3 MS. KIM: No.  
 4 THE HEARING OFFICER: Okay. That  
 5 means you're excused as a witness, Dr. Severin.  
 6 Does the Respondent have any additional  
 7 witnesses he wishes to?  
 8 MR. MASSENA: No additional witnesses.  
 9  
 10 THE HEARING OFFICER: The Respondent  
 11 rests.  
 12 MR. MASSENA: Just one moment, Your  
 13 Honor--  
 14 [Crosstalk]  
 15 THE HEARING OFFICER: [Interposing]  
 16 Sure take your time.  
 17 MR. MASSENA: --talk to my client.  
 18 THE HEARING OFFICER: Let's go off the  
 19 record.  
 20 MR. MASSENA: Thank you.  
 21 THE HEARING OFFICER: Mm hmm.  
 22 [OFF THE RECORD 4:28 p.m.]  
 23 [ON THE RECORD 4:39 p.m.]  
 24 THE HEARING OFFICER: All right. As I  
 25 understand from discussing the matter with both

1 JEAN RICHARD SEVERIN - 07/25/16  
 2 parties, the union has, forgive me, the  
 3 Respondent has rested. The Department is not  
 4 intending to call any rebuttal witnesses. We're  
 5 at a juncture now where we're just ready for  
 6 closing statements. Given the time of the day,  
 7 it does not make sense to begin those closing  
 8 statements this afternoon. Rather, what we're  
 9 going to do by agreement, is reconvene here on  
 10 August 9th at 10:00 a.m. for closing statements  
 11 only. Do I have that right, Ms. Kim?  
 12 MS. KIM: Yes.  
 13 THE HEARING OFFICER: Mr. Massena?  
 14 MR. MASSENA: Yes.  
 15 THE HEARING OFFICER: All right. Not  
 16 hearing anything additional or further to  
 17 discuss, let us go off the record and have a  
 18 great evening, everyone.  
 19 MR. MASSENA: Thank you.  
 20 THE HEARING OFFICER: Thank you.  
 21 MS. KIM: Thank you.  
 22 (The hearing adjourned at 5:10 p.m.)

Sheet 28

CERTIFICATE OF ACCURACY 770

I, Debbie L. Manning, do hereby certify that the foregoing typewritten transcript of proceedings in the matter of New York City Department of Education v. Jean Richard Severin, File No. 29,298, was prepared using the required transcription equipment and is a true and accurate record of the proceedings to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature:

Date: July 27, 2016

Student Index

771

Ashley Weber [phonetic] Student "A"



THE STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

In the Matter of  
NEW YORK CITY DEPARTMENT OF EDUCATION  
v.

JEAN RICHARD SEVERIN  
Section 3020-a Education Law Proceeding (File #29,298)

DATE: August 9, 2016

TIME: 10:00 a.m. to 12:47 p.m.

LOCATION: NYC Department of Education  
100 Gold Street  
New York, NY 10038

BEFORE: JAMES A. BROWN, ESQ.  
HEARING OFFICER

APPEARANCES: FOR THE COMPLAINANT:  
DANA KIM, ESQ., of Counsel  
NYC Department of Education  
Office of Legal Services  
49-51 Chambers Street  
New York, NY 10007  
Telephone: (212) 374-6741  
dkim14@schools.nyc.gov

FOR THE RESPONDENT:  
ALAIN MASSENA, ESQ., of Counsel  
Massena Law, P.C.  
305 Broadway, Suite 1001  
New York, New York 10007  
Telephone: (212) 766-1700  
avm@massenalaw.com

## Table of Contents

## OPENING STATEMENT

NAME: PAGE:

A. Massena 776

D. Kim 828

## WITNESS EXAMINATION

NAME: PAGE:

## CLOSING STATEMENT

NAME: PAGE:

## EXHIBITS

RESPONDENT DESCRIPTION I.D. IN EV.

NONE

DEPARTMENT OF EDUCATION DESCRIPTION I.D. IN EV.

NONE

JEAN RICHARD SEVERIN - 08/09/16

THE HEARING OFFICER: All right.

Let's go on the record. All right. So we're back on the record in this matter, and we've been joined by Respondent and his counsel. Mr. Massena, if you would kindly note your appearance.

MR. ALAIN MASSENA: Sure. Alain Massena for the Respondent. Good morning.

THE HEARING OFFICER: And again, I've already mentioned on the record that Dr. Severin is also present with us. It's my understanding based on a brief off-the-record conversation that the Department would like to make a brief representation before we proceed with the closing arguments in this matter. Ms. Kim.

MS. KIM: Yes, that's correct. On the last date I discovered a--after the finish of the last hearing date I discovered a stack of letters that Mr. Francis [phonetic] had in his possession, Mr. Francis the prior union attorney. I reached out to Mr. Massena because they appeared to be letters that he and Dr. Severin wanted for the Department to mail out to parents, and I did get confirmation from Mr.

JEAN RICHARD SEVERIN - 08/09/16

(The hearing commenced at 10:00 a.m.)

THE HEARING OFFICER: All right. So

let's go on the record. Good morning. My name

is James A. Brown. I am the hearing officer

duly appointed pursuant to New York State

Education Law Section 3020-a, its Rules and

Regulations, as well as the contractual

provisions by and between the New York City

Department of Education and the United

Federation of Teachers. We are here today in

the Matter of Jean Severin, SED File Number

29,298. This is a continuing matter. If we

could kindly note our appearances beginning of my left.

MS. DANA KIM: Yes. Dana Kim for the

Department. Good morning.

THE HEARING OFFICER: All right. Good

morning to you, Ms. Kim. While we await the

Respondent and his counsel let's go off the

record. Thank you.

[OFF THE RECORD Waiting for Respondent

10:02 a.m.]

[ON THE RECORD Waiting for Respondent

10:22 a.m.]

JEAN RICHARD SEVERIN - 08/09/16

Massena that he spoke with Dr. Severin and they both decided that it was not necessary for the Department to mail out those letters on their behalf.

THE HEARING OFFICER: Okay. Is that an accurate representation, Mr. Massena?

MS. MASSENA: Yes, it is.

THE HEARING OFFICER: All right. With that having been said, are the parties now ready to proceed with closings?

MS. KIM: Yes.

MS. MASSENA: Yes.

THE HEARING OFFICER: Mr. Massena, please.

MS. MASSENA: Okay.

THE HEARING OFFICER: On behalf of Respondent.

MS. MASSENA: Yes, if it pleases The Court. Your Honor, I'd like to begin by framing this closing statement by referring to what is Respondent's 13 in evidence and reading it in brief for The Court. This is a letter that Dr. Severin submitted to the superintendent and attachment that he submitted to the

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 superintendent and was also followed with an  
 3 attachment from Mr. Romano [phonetic]. And in  
 4 part it states, "The email attachment is to  
 5 document that working conditions at Urban Action  
 6 Academy has deteriorated further. Mr. Dorcely  
 7 has undertaken a new approach of direct  
 8 intimidation tactic. For instance, on Tuesday,  
 9 September 8th, 2015, during the morning meeting  
 10 Mr. Dorcely looked straight at me in our staff  
 11 meeting to inform that despite recent staff  
 12 reporting him to authorities he is still  
 13 standing and growing strong. He is not going  
 14 anywhere and that this year he is going into  
 15 beast mode. Later on during another staff  
 16 meeting I proceed to write and highlight some  
 17 notes reminder on a paper that I had in my hand.  
 18 He informed me that I can write whatever I want  
 19 and report it to whomever I want and my  
 20 reporting only makes him stronger. And on  
 21 Friday, September 11th at another staff meeting  
 22 Mr. Dorcely looking again directly at me  
 23 informed me this year I am going to ride you."  
 24 I point this out and highlight this  
 25 letter that Dr. Severin submitted in early--in

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 the early school year of the 2015-2016 academic  
 3 year to highlight the environment under which  
 4 this case was brought, the genesis of this case.  
 5 I also note that the statements that were made  
 6 by Principal Dorcely to Dr. Severin were also  
 7 corroborated by the testimony of Mr. Satchell  
 8 [phonetic] and I also believe in part by the  
 9 testimony of Mr. Satchell.  
 10 Your Honor, I submit that this case  
 11 should be dismissed. First, the Department did  
 12 not meet its burden. It did not prove by a  
 13 preponderance of the evidence that Dr. Severin  
 14 committed these specifications. The  
 15 Department's case is full of second and third  
 16 degree levels of hearsay and any direct evidence  
 17 of any wrongdoing by Dr. Severin is missing.  
 18 Second, I submit to you that the letters, the  
 19 meetings that gave rise to the allegation in  
 20 these specifications were conducted by an  
 21 administration with a vendetta against this  
 22 teacher that started with the principal and then  
 23 fell to the assistant principal who admitted on  
 24 direct testimony that she seeks to carry out the  
 25 goals of the principal. Every meeting and the

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 letters were to prove Principal Dorcely's power  
 3 over the career of Dr. Severin. Every word said  
 4 about Dr. Severin during this hearing by the  
 5 Department of Education's witnesses were tinged  
 6 with disdain that he--disdain because he would  
 7 not take part in the cheating that Principal  
 8 Dorcely had taken under and that he would say no  
 9 to the principal.  
 10 Let's look at the Department's  
 11 witnesses. Assistant Principal Barnett, she is  
 12 a third year assistant principal. During the  
 13 time of the specs she was in only her second  
 14 year as an assistant principal. The record is  
 15 devoid of any training, assistance that she got  
 16 to conduct investigations or disciplinary  
 17 meetings, but we do know that if we look to page  
 18 52 of her testimony she steps in to follow the  
 19 goals of the principal and wants to get  
 20 accomplished--and what he wants to get  
 21 accomplished in this school.  
 22 When discussing her observations  
 23 between Principal Dorcely and Dr. Severin she  
 24 admits that the relationship is toxic. Those  
 25 are her words, not the Respondent's words.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Those are her words that the relationship is  
 3 toxic but not beyond professional. I submit to  
 4 you, Your Honor, that that is an oxymoron. You  
 5 cannot have a toxic relationship and a  
 6 professional relationship at the same time. The  
 7 two just do not work together. An educator is a  
 8 role model for the students and the people that  
 9 teach them and she's okay with a professional  
 10 relationship that's toxic. It doesn't make  
 11 sense. I submit that that is problematic, and I  
 12 submit to you that when you look through her  
 13 testimony with that prism you will see that her  
 14 perspective is fatally skewed and that this is  
 15 not an acceptable working relationship.  
 16 In that vein when you look at her  
 17 testimony regarding the cooling off period,  
 18 pages 67 to 68, I submit that Assistant  
 19 Principal Barnett was so preoccupied with making  
 20 the principal look blameless that she simply  
 21 sounds ridiculous. She cannot admit the  
 22 obvious. That the cooling off period was a  
 23 period of high emotion and that the  
 24 superintendent had her step in to supervise Dr.  
 25 Severin and to be that other lens because

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Principal Dorcely had it out for Dr. Severin.  
 3 Yet even still she categorizes it as a  
 4 professional situation. Our very own witness  
 5 Mr. Satchell and Mr. Dunkin [phonetic] testified  
 6 that it was a heated relationship. They were  
 7 credible in their testimony. I submit to you,  
 8 Your Honor, that Assistant Principal Barnett was  
 9 not credible, and we can see this by the way in  
 10 which she framed the relationship claiming it  
 11 was toxic yet professional at the same time.  
 12 Barnett admits that the SCI investigator  
 13 allegations about changing grades. She admitted  
 14 that she was interviewed, and you'll see this at  
 15 page 54 of her testimony.  
 16 Therefore, Your Honor, I submit that  
 17 all of the specifications for which Assistant  
 18 Principal Barnett was brought into this hearing  
 19 to prove should be dismissed because Assistant  
 20 Principal Barnett is simply not an incredible  
 21 witness.  
 22 And just to step aside for one moment,  
 23 when you look at all of the specifications that  
 24 were brought by the Department of Education we  
 25 must simply ask ourselves why are we here today.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 These specifications do not rise to the level of  
 3 a 3020-a hearing in total, in part or even on an  
 4 individual basis. You heard testimony from Mr.  
 5 Satchell. You heard testimony from Mr. Dunkin  
 6 that these sorts of hearings, these sorts of  
 7 issues that the principal may have had, may or  
 8 may not have with Dr. Severin could have best  
 9 been handled in maybe a recommendation or maybe  
 10 simply a discussion with Dr. Severin, but that's  
 11 not what Principal Dorcely chose to do. Once  
 12 Dr. Severin failed to get on board, failed to  
 13 change the grade of this student, the regent's  
 14 grade of this student Principal Dorcely knew  
 15 that he needed to get him out. Principal  
 16 Dorcely knew that he was coming up for tenure as  
 17 a principal and he knew--or up for review as a  
 18 principal and he knew that Dr. Severin could get  
 19 in the way of that and especially once Dr.  
 20 Severin reported these allegations to the proper  
 21 authorities.  
 22 When we look at Principal Dorcely's  
 23 testimony we see a person who has a 24-year  
 24 history with the Department of Education as an  
 25 employee. He spent half his time with the

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Department of Education as a school aide. He  
 3 describes his responsibilities as meeting the  
 4 chancellor's framework for great schools but to  
 5 ensure that my kids graduate on time. Those  
 6 were his words. We submit that there has been  
 7 enough evidence to support that Principal  
 8 Dorcely holds a lot of animosity--and that's  
 9 being polite--towards Dr. Severin. Someone  
 10 should have told him that this is not an  
 11 incompetence hearing because at every single  
 12 opportunity he attempted to make it into an  
 13 incompetence hearing but he failed to do the  
 14 proper work that would have been necessary to  
 15 make it an incompetence hearing because there  
 16 simply is no evidence to that. At every point  
 17 in time he tried to make it into that but that's  
 18 not what this is, and I would just simply remind  
 19 The Court of that as well. He failed to follow  
 20 the guidelines in the contract, and he didn't do  
 21 it. If he wanted to make this an incompetence  
 22 hearing, then the former substitute teacher  
 23 turned principal should have stopped taking  
 24 shortcuts and done the necessary work to do that  
 25 which is also indicative of the shortcut that he

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 was taking in terms of changing the regent's  
 3 grade or attempting to change the regent's  
 4 grade.  
 5 I want to talk about the incident  
 6 where Principal Dorcely asked Dr. Severin or  
 7 intimated to Dr. Severin to change the grade of  
 8 Student A, and I think the best way for The  
 9 Court to examine this particular incident is to  
 10 look at it from a logical perspective.  
 11 Principal Dorcely denies that this ever took  
 12 place, but why would Dr. Severin have any  
 13 contact with Student A at all if not for  
 14 Principal Dorcely? He was new to the school.  
 15 Student A was not one of his students. So the  
 16 only manner in which Dr. Severin would have any  
 17 contact with Principal Dorcely--with Student A  
 18 or her mother is if Principal Dorcely or an  
 19 agent of Principal Dorcely brought Student A  
 20 before Dr. Severin.  
 21 And I think that's the key viewpoint  
 22 into how to examine whether or not this actually  
 23 took place and whether or not whose version of  
 24 the facts that you can believe in terms of the  
 25 incident with Student A. Once again, Dr.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Severin was new to the school. Student A was  
 3 not his student. He had no contact with Student  
 4 A. The only way for him to know of the  
 5 existence of Student A whom was a graduating  
 6 student would be for Principal Dorcely to bring  
 7 Student A to Dr. Severin's attention and that's  
 8 how we know that we can credit the testimony of  
 9 Dr. Severin how these series of events took  
 10 place in terms of Principal Dorcely attempting  
 11 to get Dr. Severin on board with changing the  
 12 regent's grade of Student A.  
 13 I submit because Principal Dorcely  
 14 wanted Dr. Severin to do something whether he  
 15 wanted him to say oh shucks or find shortcuts,  
 16 he's the one who described himself as concerned  
 17 with this student's grade. He's the one who  
 18 wanted a teacher, Dr. Severin, with an 87%  
 19 passage rate on regents to take a look at the  
 20 exam and find some extra points so the kid could  
 21 pass. It sounds like to me that Principal  
 22 Dorcely was trying to take another shortcut so  
 23 that this student could pass the regents in turn  
 24 make himself look good by boosting the school's  
 25 passage rates. As Dr. Severin testified at page

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 455, the regents' scores are a reflection of the  
 3 school and whether or not the principal is  
 4 effective or ineffective. There's a great deal  
 5 of implication regarding those regents' scores.  
 6 One moment. Specification Number 1--  
 7 let's look at the specifications. Specification  
 8 Number 1, Assistant Principal Barnett testified  
 9 about this specification on page 63. She said  
 10 that the secretary who's responsible for the  
 11 book let her know that Dr. Severin signed  
 12 himself out. She never saw--Assistant Principal  
 13 Barnett never saw him sign in or out but only  
 14 saw his signature on page 64, and they had to  
 15 pull other teachers in to cover his eighth  
 16 period class. But when a teacher has to leave  
 17 the building unless there is an issue--and I  
 18 submit that there was an issue in this case. He  
 19 had a toxic relationship with his direct  
 20 supervisor. There is nothing in the testimony  
 21 or evidence that the students were left alone or  
 22 put in harm's way. Or whether she spoke to  
 23 supervisors--  
 24 [Phone Buzz]  
 25 MS. MASSENA: Sorry about that. I

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 forgot to turn this off. Okay. Or whether she  
 3 spoke to any supervisors about Dr. Severin  
 4 signing out. I submit the assistant principal  
 5 did not do a full investigation into whether Dr.  
 6 Severin and that they did not provide--to  
 7 whether Dr. Severin signed out, and they did not  
 8 provide proof that the investigation was fair  
 9 and objective. This specification should be  
 10 dismissed and certainly cannot provide the basis  
 11 for a finding of insubordination or misconduct.  
 12 Specification Number 2, the cellphone  
 13 policy. Assistant Principal Dorcely testified  
 14 that he walked into the classroom and that he  
 15 saw four cellphones and confiscated them. I  
 16 submit that when you look at Department 12 which  
 17 is the students' statements these students had  
 18 their cellphones confiscated. The principal  
 19 took statements to investigate Dr. Severin when  
 20 those students were engaged in the infraction.  
 21 The hearsay students' statement is being offered  
 22 directly for the truth of the allegations in  
 23 this matter and should not be considered. What  
 24 we know is that the principal was in control of  
 25 those students' telephones. They were asked to

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 make statements because the Respondent wasn't  
 3 able to question these students it violates--and  
 4 because the Respondent wasn't able to question  
 5 these students it violates his right to confront  
 6 his accusers and to ask very basic questions  
 7 about the circumstances that these letters were  
 8 created.  
 9 The students' letters should not be  
 10 allowed to substantiate the disciplinary  
 11 charges. This is particularly important since  
 12 the Department of Education's own witness  
 13 describes the relationship once again between  
 14 principal and Dr. Severin as toxic and that  
 15 they--as we all know that they needed a cooling  
 16 off period. I submit that this investigation  
 17 was not full and fair, that this investigation  
 18 lacked objectivity. This specification should  
 19 be dismissed. Dr. Severin on page 536 of the  
 20 transcript testified that he wasn't even in the  
 21 classroom when Principal Dorcely came by. He  
 22 was outside of the classroom conferencing a case  
 23 with a student and another teacher was inside--  
 24 his co-teacher was inside with the students.  
 25 As to Specification Number 3, the

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 common planning meeting. Principal Dorcelly  
 3 testified about the C-6 common planning time.  
 4 The principal testified about the common  
 5 planning session, and he also testified that he  
 6 attended most of the department planning  
 7 meetings. Dorcelly took over the assignment to  
 8 supervise the social studies department. And  
 9 Principal Dorcelly also testified that he was  
 10 present for most of the C-6 meetings, but he  
 11 also testified that if he wasn't able to attend  
 12 all of the C-6 meetings if I'm not there I don't  
 13 have my signature.  
 14 In regards to the common planning  
 15 meetings if you look to Mr. Satchell's  
 16 testimony, the administration didn't even make  
 17 the common planning sessions a priority because  
 18 they did not follow the contractual guidelines  
 19 to assign teachers to their groups. If Your  
 20 Honor would look at page 474 to 476 of Principal  
 21 Dorcelly's--of Mr. Satchell's testimony, the  
 22 teachers were not given their preference sheets.  
 23 The teachers were given their options about what  
 24 to do during their common planning sessions  
 25 which in essence indicates that it's not a

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 common planning session. He testified that  
 3 Principal Dorcelly's lack of organization was  
 4 frustration and caused hostility. Additionally,  
 5 he also testified that a number of the  
 6 disciplinary conferences that he attended with  
 7 Dr. Severin usually occurred during the common  
 8 planning sessions. They would last a range of  
 9 five minutes to sometimes the entire period  
 10 which was a 38-minute period. There may have  
 11 been as many as 43 disciplinary meetings.  
 12 Further, Dr. Severin responded in his  
 13 email--Respondent's 10, in his email where he  
 14 reaches out to his co-teachers to coordinate the  
 15 common planning session. In that--in  
 16 Respondent's 10 we see where Dr. Severin himself  
 17 is reaching out to fellow teachers to get it  
 18 together. Let's pull it together. Let's make  
 19 these common planning session meetings work.  
 20 Let's make them meaningful and clearly that's  
 21 not what is taking place. So we see a level of  
 22 frustration in Dr. Severin as to what the common  
 23 planning meetings are being used for, if we can  
 24 even call them or classify them as common  
 25 planning meetings.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 And again, I think at this point it's  
 3 again important to draw The Court's attention,  
 4 to draw the attention to Your Honor that this is  
 5 basically a self-fulfilling case. I would say a  
 6 self-fulfilling prophesy but it's really a self-  
 7 fulfilling case where you have someone who is  
 8 out to get Dr. Severin, and basically he creates  
 9 a pattern of letters, a pattern of emails, a  
 10 pattern of meetings that in essence will cause  
 11 anyone to fail. If I have complete power over  
 12 someone, if I'm able to dictate their movements,  
 13 dictate what they're supposed to give to me and  
 14 what I'm supposed to receive from them, then I  
 15 also have the power to generate or to use the  
 16 colloquial term gen up [phonetic] charges that  
 17 really when you get to the bottom of them and  
 18 you remove the layer they're nothing but fluff.  
 19 So in essence, Principal Dorcelly is abusing his  
 20 authority as a principal to go after a teacher  
 21 who made claims of cheating which the  
 22 superintendent Dr. Prayor admitted on the record  
 23 that there were other allegations of cheating by  
 24 other teachers made at Urban--or by Urban Action  
 25 Academy and he was aware of that. That other

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 teachers had made allegations of cheating other  
 3 than Dr. Severin.  
 4 So this is a clear case of  
 5 retaliation, and it's the worst type of  
 6 retaliation because it's not simply making the  
 7 environment hostile where maybe Dr. Severin  
 8 would just throw up his hands and quit. It's  
 9 actually creating documents, creating evidence,  
 10 and in using the same evidence that you created--  
 11 for example, saying that a common planning  
 12 session--that Dr. Severin is missing a common  
 13 planning session meeting when in fact, number  
 14 one, the meetings are not actually common  
 15 planning session meetings, and number two, for  
 16 many of those common planning meetings Dr.  
 17 Severin is actually in a meeting with the  
 18 principal. So in essence wanting Dr. Severin to  
 19 be in two places at once and when he's unable to  
 20 split himself in two charging him with a  
 21 specification or charging him with violating  
 22 some sort of rule or insubordination or  
 23 misconduct.  
 24 This is the worst sort of retaliation.  
 25 This is the worst sort of hostile work

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 environment that an individual can be under.  
 3 And for that reason, Your Arbitrator should view  
 4 all of the specifications under that prism, find  
 5 them and find the Department of Education's  
 6 witnesses to not be credible under that prism  
 7 and under that viewpoint.  
 8 Moving on to Specification Number 4  
 9 regarding keeping the one set of the lights off.  
 10 Principal Dorcely testified about this matter.  
 11 Again, whether or not this happened the question  
 12 to Your Arbitrator is should this really be a  
 13 subject matter for a disciplinary proceeding?  
 14 This is certainly not the type of issue that  
 15 would merit Dr. Severin losing his job. There  
 16 are no allegations that the students were hurt  
 17 or in any harm or the light being off could give  
 18 rise to a dangerous situation. Further, Dr.  
 19 Severin testified that he did not receive any  
 20 earlier directives about keeping the lights on.  
 21 And this is where it's important that we not  
 22 forget when we look at these specifications that  
 23 we not leave common sense outside of our  
 24 deliberations when we look at the specification.  
 25 We live in the real word. We've all sat in

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 rooms where I submit the lighting in the room  
 3 makes it difficult to view a screen, especially  
 4 a projection screen. And I would submit that  
 5 The Court is free to use its own knowledge of  
 6 that type of experience.  
 7 And I also submit that Dr. Severin  
 8 testified about the manner in which his room was  
 9 facing. I believe he stated--and The Court can  
 10 refer to the transcript. I believe he stated it  
 11 was facing southwest and obviously that type of  
 12 position in relationship to the screen would  
 13 make it difficult for the students to see the  
 14 video. So our question becomes as educators is  
 15 it more important to follow a directive that was  
 16 never given and keep all the lights on or is it  
 17 actually more important for the students to  
 18 actually be able to see the screen and to be  
 19 able to see the screen that has vital  
 20 information that would be a part of their lesson  
 21 that particular day? But again, when someone  
 22 has it out for you and someone has the ability  
 23 and the power to generate documents, to create  
 24 disciplinary letters and put those disciplinary  
 25 letters in your file then what are you to do as

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 a teacher? You're defenseless. Despite  
 3 reaching out to the superintendent for help,  
 4 you're literally at the mercy of Principal  
 5 Dorcely.  
 6 We go to Specification Number 5 and we  
 7 touched on this as well regarding the common  
 8 planning meeting, 29 of the 37 mandated planning  
 9 meetings. The principal testified that of the  
 10 29 days he saw Dr. Severin at a location other  
 11 than the common planning room. Dr. Severin and  
 12 Mr. Satchell testified that numerous times  
 13 Principal Dorcely called Dr. Severin in for  
 14 disciplinary meetings. And at page 545 and 546  
 15 Dr. Severin testified that the teachers were  
 16 trained to and required to grade MOSLs during  
 17 the common planning periods. One of the charged  
 18 days was actually Veteran's Day and another--  
 19 which was--one of the charged days was actually  
 20 Veteran's Day and The Court can see that on page  
 21 546, and another day was November 25th, 2015,  
 22 which was the day of the Thanksgiving party and  
 23 sixth period was canceled, again on page 546. I  
 24 submit that these allegations should be  
 25 dismissed.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 And I just want to focus on  
 3 Specification Number 5 just for one moment  
 4 because again I believe it highlights--I believe  
 5 it's an illustration of the environment that Dr.  
 6 Severin was serving in as a teacher of this  
 7 school. We have a teacher--we have a principal  
 8 who goes through the great extent or great  
 9 trouble of attempting to document numerous  
 10 missed--allegedly missed common planning time  
 11 meetings. However, The Court heard extensive  
 12 testimony about what were these so-called MOSL  
 13 meetings. Many of these initial meetings in  
 14 October and November were actually put aside for  
 15 MOSL planning, MOSL grading, MOSL norming. A  
 16 great deal of time was spent on this to the  
 17 point where I believe it's fair to say that  
 18 anything but common planning was taking place  
 19 during the common planning sessions. And the  
 20 fact that dates such as November 11th and dates  
 21 where Dr. Severin were in a disciplinary  
 22 conference meeting, the fact that those dates  
 23 are listed in these--in Specification Number 5  
 24 speaks to the animosity, speaks to the lengths  
 25 that Principal Dorcely wanted to go, intended to

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 go to get Dr. Severin out of the school because  
 3 Dr. Severin was the first teacher, not the last  
 4 but was the first teacher to report the  
 5 allegations of the cheating, of alleged cheating  
 6 by Principal Dorcely.  
 7 Specification Number 6, this is--there  
 8 was no firsthand evidence that Dr. Severin left  
 9 the building without signing out. No video, no  
 10 eyewitness. Dr. Severin testified that he did  
 11 not leave the building so there was no need for  
 12 him to sign out. I submit that this allegation  
 13 should be dismissed for lack of evidence. And I  
 14 also want to point out to The Court that in this  
 15 courtroom Principal Dorcely first testified that  
 16 he did not see Dr. Severin leave the building  
 17 but after realizing that--after realizing during  
 18 cross examination that based on his testimony  
 19 this specification would have to be dismissed he  
 20 changed his testimony and then said he did. And  
 21 again I think that--and he changed his testimony  
 22 in court during this hearing because again  
 23 there's a vendetta, there's an agenda by  
 24 Principal Dorcely to have Dr. Severin removed  
 25 from the school, and I believe that The Court

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 had an opportunity to see that, The Court had an  
 3 opportunity to see Principal Dorcely change his  
 4 answer, and I believe that The Court can assess  
 5 that that was not credible what Principal  
 6 Dorcely did during the hearing.  
 7 Regarding the midterms which was in  
 8 Specification Number 7, Principal Dorcely  
 9 testified about this specification and all of  
 10 the teachers were asked to submit terms for  
 11 grading. Dr. Severin testified that on page 552  
 12 and page 553 that at that time of the year it  
 13 was the MOSL and the MOSL was the test that was  
 14 being administrated and Dr. Severin bore no  
 15 responsibility for creating the exam or the  
 16 contents thereof.  
 17 And now we come back again to the  
 18 MOSLs which a great deal of time was spent. As  
 19 Your Honor, The Court reviews the record, great  
 20 deal of time was spent regarding discussing the  
 21 MOSLs, whether the MOSLs were midterms or  
 22 whether they were not midterms. At the end of  
 23 the day what's important here is to note that if  
 24 the principal wants to generate emails or wants  
 25 to generate documents that may or may not show

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 whether or not Dr. Severin followed a directive,  
 3 then where is the document where they actually  
 4 did receive the MOSL or where is the document  
 5 indicating the time that it was received or the  
 6 document indicating the time where the midterm  
 7 was received. That should be part of the  
 8 evidence and it's not part of the evidence  
 9 because I would submit they do not want The  
 10 Court to have that information. So regarding  
 11 the MOSLs, Dr. Severin bore no responsibility  
 12 for that exam and creating that exam and the  
 13 contents thereof.

14 Specification Number 8, permitted a  
 15 student to enter the building. This particular  
 16 specification again should be dismissed at  
 17 whole. There was absolutely no direct evidence  
 18 by anyone regarding Dr. Severin allowing a  
 19 student into the building. Principal Dorcely  
 20 testified about this allegation. As a matter of  
 21 fact, Assistant Principal Barnett who may have  
 22 been able to provide a greater source of  
 23 information she didn't discuss this  
 24 specification as well. Principal Dorcely  
 25 testified about the allegations in this matter.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 The Department did not call a single student  
 3 witness to this allegation. The Department did  
 4 not produce any video footage about this  
 5 incident when they said initially they would and  
 6 they chose not to. The Court may make its own  
 7 determination as to why the video was not  
 8 brought forward if The Court so desires.  
 9 Furthermore, there was another  
 10 administrator that was part of the investigation  
 11 of these allegations. Even though Assistant  
 12 Principal Barnett was here and testified on an  
 13 earlier day, she did not testify about her role  
 14 in the investigation. I know we do not follow  
 15 strict rules of evidence here, Your Honor. I  
 16 submit that the Department did not meet its  
 17 burden of proof but that the allegations cannot  
 18 be substantiated on the hearsay statements two  
 19 or three people removed from the statement.  
 20 There's no evidence about this allegation at  
 21 all. The student was not called to testify.  
 22 The principal from the other school who is  
 23 certainly under the control of the Department of  
 24 Education was not called to testify.  
 25 And at this particular point I'll just



1 JEAN RICHARD SEVERIN - 08/09/16  
 2 briefly say that The Court may want to consider  
 3 175 of the jury instructions for a missing  
 4 witness charge, and as The Court may be aware,  
 5 pursuant to New York's -- [00:01] jury  
 6 instructions a party's failure to call a  
 7 particular witness could lead to a jury charge  
 8 allowing an adverse inference to be drawn. If  
 9 the jury finds the party's explanations for not  
 10 calling the witness to be reasonable, the jury  
 11 is instructed not to consider the failure of the  
 12 party to call the witness in evaluating the  
 13 evidence. If, however, the explanation is not  
 14 reasonable--and I don't see what reasonable  
 15 explanation the Department of Education would  
 16 have for not calling a DOE employee who was  
 17 present during this particular specification.  
 18 So if, however, the explanation is not  
 19 reasonable or the party did not give an  
 20 explanation, you know, Your Honorable  
 21 Arbitrator, the fact finder, you're not required  
 22 to conclude that the testimony would not--of the  
 23 witness would not have supported the  
 24 Respondent's position on the question on this  
 25 particular specification and that the--and that

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 that particular DOE employee would not have  
 3 contradicted evidence offered by the Department  
 4 of Education on the issue of allowing the  
 5 student into the building during a fire drill.  
 6 So The Court may consider that particular line  
 7 of reasoning as it deliberates Specification  
 8 Number 8 and hold the Department of Education to  
 9 that standard.  
 10 As to Specification Number 9, that Dr.  
 11 Severin failed to inform an immediate supervisor  
 12 about his absence on October 23rd, 2015, looking  
 13 at Respondent's 11 in evidence, an email from  
 14 the principal and Dr. Severin's testimony about  
 15 what was expected from him when he should not--  
 16 excuse me--when he's present from the school.  
 17 On page 563 which simply says--  
 18 THE HEARING OFFICER: [Interposing]  
 19 I'm sorry. Which page?  
 20 MS. MASSENA: 563 which simply says  
 21 the contract Sub Central. I should get some  
 22 water.  
 23 THE HEARING OFFICER: Sure. Let's go  
 24 off the record for a moment.  
 25 [OFF THE RECORD Break 10:58 a.m.]

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 [ON THE RECORD Break 11:02 a.m.]  
 3 THE HEARING OFFICER: Let us go back  
 4 on record. Mr. Massena.  
 5 MS. MASSENA: Thank you.  
 6 Specification 9, here the allegations are that  
 7 Dr. Severin failed to inform an immediate  
 8 supervisor about his absence. Looking at  
 9 Respondent's 11, an email from the principal and  
 10 Dr. Severin's testimony and what was expected  
 11 from him we can look to page 563 of the  
 12 transcript which simply says to contract is Sub  
 13 Central. Dr. Severin did call Sub Central. I  
 14 submit that this specification should be  
 15 dismissed because these allegations occurred  
 16 during a time where there was a very heated  
 17 relationship between the principal and Dr.  
 18 Severin and in light of the fact that the  
 19 superintendent identified that the parties  
 20 needed a cooling off period. I submit that  
 21 these allegations were created with the  
 22 intention to harass and intimidate instead of  
 23 providing guidance and correcting Dr. Severin.  
 24 THE HEARING OFFICER: You said I  
 25 believe contract Sub Central. You meant to say

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 contact--  
 3 MS. MASSENA: [Interposing] Contact.  
 4 THE HEARING OFFICER: --Sub Central.  
 5 MS. MASSENA: Correct.  
 6 THE HEARING OFFICER: Thank you.  
 7 MS. MASSENA: Contact. As to  
 8 Specification Number 11 regarding supplying a  
 9 period two lesson plan, once again these  
 10 allegations, these specifications as well as the  
 11 specifications as a whole should all be viewed  
 12 through the prism of a toxic relationship where  
 13 Principal Dorcely has the power to dictate and  
 14 the power to fabricate these specifications. So  
 15 do we--how do we know that Dr. Severin did not  
 16 submit a lesson two plan--a period two lesson  
 17 plan other than the testimony of Principal  
 18 Dorcely or Assistant Principal Barnett?  
 19 Specification Number 12 where it was  
 20 alleged that he failed to have a lesson plan on  
 21 September 11th of 2015. The evidence during  
 22 this particular--regarding this particular  
 23 specification it made sense and it's not the  
 24 type of specification that should rise to a  
 25 3020-a hearing. It's not the type of

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 specification--it's not the type of charge that  
 3 should be included in a specification. It  
 4 simply isn't. Dr. Severin has a co-teacher who  
 5 is doing a September 11th--we all know what  
 6 September 11th is--a September 11th plan with  
 7 other teachers in the building. He gives her  
 8 the floor. He says fine. I agree with you.  
 9 You know, this is a worthy topic of discussion.  
 10 This is a worthy lesson plan. My lesson plan  
 11 which was the scientific revolution that can  
 12 hold off. We can hold off on that. I support  
 13 you in--I support you co-teacher in doing this  
 14 lesson plan. But that wasn't good enough for  
 15 Principal Dorcely. No. Principal Dorcely had  
 16 an agenda. He was going to ride Dr. Severin and  
 17 here was another opportunity to pick, you know,  
 18 at--to pick at Dr. Severin. He didn't care that  
 19 it was September 11th. He doesn't know whether  
 20 Dr. Severin had suffered a loss. He doesn't  
 21 know whether the co-teacher Ms. Fagan had  
 22 suffered a loss on September 11th. His goal was  
 23 to ride Dr. Severin and he was going to ride him  
 24 because Dr. Severin had seceded the floor to his  
 25 co-teacher, allowed her to proudly present a

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 lesson plan that she had worked on, and he took  
 3 this as an opportunity to again file another  
 4 disciplinary charge against--disciplinary letter  
 5 against Dr. Severin.  
 6 It just doesn't make sense as all of  
 7 these charges do in total. When you look at  
 8 them in total they just don't make sense. So  
 9 that's what we have to say to Specification 12.  
 10 Dr. Severin had a lesson plan. He had a lesson  
 11 plan on the scientific revolution. It was  
 12 prepared. It was ready to go. However, his co-  
 13 teacher had another idea and he agreed with her  
 14 that this was an appropriate time to do a lesson  
 15 plan on September 11th. But Principal Dorcely  
 16 had an overriding agenda and that was to get Dr.  
 17 Severin regardless of the day, regardless of the  
 18 time, regardless of anything else.  
 19 Specification Number 13 regarding the  
 20 fourth marking period, the--sorry--the EGG and  
 21 also Specification Number 14. Again, when we  
 22 look at these particular specifications  
 23 regarding lesson plans, regarding EEGs, we have  
 24 to ask ourselves are these specifications that  
 25 rise to the level of a 3020-a hearing? Are

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 these charges that are trumped up by Principal  
 3 Dorcely simply to try to get Dr. Severin out of  
 4 the school? Dr. Severin testified that he did  
 5 send the EGG files and that in sum he became  
 6 aware regarding the assistant principal or the  
 7 principal when they notified him that they were  
 8 not received. This was a simple technical issue  
 9 and certainly should not be the subject of any  
 10 disciplinary action. And they did receive the  
 11 EGG files.  
 12 Specification Number 15, failed to  
 13 notify of absence which was on page 176 of  
 14 Principal Dorcely's testimony. He states--  
 15 Principal Dorcely states that his--that Dr.  
 16 Severin's failure to notify the supervisors  
 17 about his absence was that the administrators  
 18 were looking for substitute teachers. There was  
 19 no testimony that the students were left alone  
 20 or did not have coverage. The Respondent in his  
 21 testimony points to the daily docket as  
 22 described by Principal Dorcely that was sent  
 23 every day and provided instructions on how to  
 24 deal with certain matters and that Principal  
 25 Dorcely required teachers to notify Sub Central.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Here Dr. Severin testified that he called Sub  
 3 Central and even noted on Department Number 26  
 4 Dr. Severin explained in the disciplinary  
 5 conference and sum that whenever he has called  
 6 out sick he just called Sub Central. Notably  
 7 this is not a time and attendance case. So it's  
 8 not an incompetence case. It's not a time and  
 9 attendance case. Why are we here? We're here  
 10 because Principal Dorcely wants to get Dr.  
 11 Severin out of the school. The allegation is  
 12 that he did not call the proper person to notify  
 13 them of his absence.  
 14 Again looking at 16, 17, and 18,  
 15 failed to have three lesson plans, 17 supply  
 16 weekly lesson plan, and Specification Number 18  
 17 failed to schedule support. Hearing Officer,  
 18 when you view Specifications 9, 10, 11, 12, 16,  
 19 17, and 18, all together these are allegations  
 20 that are ministerial. There has been no  
 21 evidence that the school or the student body  
 22 were impacted by the alleged conduct. There has  
 23 been no correlation that the alleged conduct has  
 24 a correlation to Dr. Severin's ability to  
 25 perform his duties as a teacher. I submit that

1 JEAN RICHARD SEVERIN - 08/09/16  
2 despite this toxic environment Dr. Severin still  
3 tried to comply with the principal's mandates to  
4 attend meetings where the two of them were alone  
5 in a room. He submitted lesson plans in his  
6 testimony on page 765 and 766.

7 He described that he felt "I mean it  
8 was humiliating because at the beginning of the  
9 day the lesson, the December 22nd and December  
10 23rd observation that Principal Dorcey wrote me  
11 ineffective about was a specific lesson that  
12 managed to get the children to do some  
13 phenomenal work," these are Dr. Severin's words,  
14 "as far as writing their five to seven page  
15 essays. I even sent Principal Dorcey an  
16 email," Dr. Severin testifies, "letting him know  
17 how debilitating his ineffective observation of  
18 my work, pleading with him, letting him know  
19 Principal Dorcey I take pride in this work.  
20 This is something that I informed you before I  
21 did it, but he deemed that it was ineffective.  
22 I sent him an email. Afterwards he even sent  
23 Superintendent Prayor the same email to inform  
24 him how this was not a professional assessment  
25 but it seemed personal." So by the whole time--

1 JEAN RICHARD SEVERIN - 08/09/16  
2 "So by the time that whole observation, the  
3 whole session was set up I didn't really say  
4 anything because he's my principal. He's my  
5 supervisor. So I set them up. I sat down and I  
6 attended, I took notes, and I implemented  
7 everything he recommended." This is Dr.  
8 Severin's words.

9 I submit that these charges should be  
10 dismissed. The Department has failed to meet  
11 its burden. This conduct in the specifications  
12 and that were testified to by the Respondent and  
13 the superintendent and UFT was in retaliation  
14 for filing the SCI report that Principal Dorcey  
15 engaged or attempted to engage in testing  
16 irregularities. Dr. Severin as a New York City  
17 employee was obligated to report what he  
18 observed. He reported the allegations to SCI, a  
19 branch of DOE. I submit that Dr. Severin was to  
20 be protected by the Department of Education from  
21 the behavior of his supervisor and the  
22 Department of Education failed him.

23 Further, looking at the Department's  
24 documentary evidence specifically pointing to  
25 the Special Complaint 28 Determination that is

1 JEAN RICHARD SEVERIN - 08/09/16  
2 in evidence over the Respondent's strenuous  
3 objections I submit that it should not even be a  
4 part of the record in this case. We ask that  
5 when you are considering that document that you  
6 not give it any weight at all. We submit to do  
7 so would be to undermine your role as a  
8 factfinder and the person who evaluates the  
9 credibility and weight of all the witnesses and  
10 the evidence presented here. Additionally, that  
11 proceeding was presided over someone who works  
12 for the Department, the chancellor's designee,  
13 and we submit that the findings are inherently  
14 prejudicial to my client Dr. Severin because  
15 those findings that decision was rendered to  
16 further the interest of the Department of  
17 Education.

18 Now looking at the Respondent's  
19 witnesses, I submit that they were credible and  
20 testified truthfully. These witnesses are not  
21 neighbors or friends but supervisors employed at  
22 the DOE or seasoned representatives of the union  
23 and they came to testify. First, Superintendent  
24 Prayor who testified that his job was to support  
25 the principals. He testified--this is page 376.

1 JEAN RICHARD SEVERIN - 08/09/16  
2 He testified and characterized his conversations  
3 between the principal, the assistant principal,  
4 and Dr. Severin. The nature of the conversation  
5 is I guess one to be informed of certain issues  
6 that took place at the school between Principal  
7 Dorcey and Dr. Severin and also to bring all  
8 parties together to try to get to a mutual  
9 understanding, professionalism that can  
10 ultimately be given to all four parties, and to  
11 have a reprieve of their professional  
12 responsibilities and some conflicts between  
13 them.

14 The superintendent acknowledged that  
15 he received a number of emails from Dr. Severin,  
16 that he described those emails as either to  
17 inform the superintendent or to ask for his  
18 help. But if you look back at the  
19 superintendent's testimony at page 384 when  
20 discussing Exhibit Number 8, an Email from Dr.  
21 Severin, the superintendent did not offer any  
22 assistance until he received the email that is  
23 in Exhibit Number 9 and then he intervened by  
24 seeking the support of the UFT District Rep  
25 James Dunkin bringing both teacher and principal

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 together to have a cooldown period of  
 3 interaction because there was a lot of tension  
 4 and the cool-off periods was to give both  
 5 parties an opportunity to collect themselves and  
 6 act professionally so that in the interim of the  
 7 cooldown period Dr. Severin would find  
 8 employment elsewhere that was possible.  
 9 I submit that perhaps if the  
 10 superintendent had intervened earlier that he  
 11 may have been able to diffuse some of the  
 12 tension. This is mind-blowing that the  
 13 principal, a person who is in charge of  
 14 children, our city's children has to have a  
 15 cooling off period from one of the people he is  
 16 in charge of supervising. The situation was so  
 17 desperate that Dr. Severin was to look for  
 18 another job. The cooling off period was to last  
 19 until January 30th, 2016, according to  
 20 Superintendent Prayor, but Principal Dorcely  
 21 terminated the cooling off period early.  
 22 Principal Dorcely was so out of control that he  
 23 violated his supervisor's orders, basically an  
 24 act of insubordination by Principal Dorcely.  
 25 That is why we are here at this

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 hearing Dr. Severin did not leave the school.  
 3 The principal was still hot and wanted to get  
 4 Dr. Severin out. Sadly, based on the  
 5 superintendent's testimony at page 412 Dr.  
 6 Severin isn't the only one who has made reports  
 7 of harassment and grade changing. And if you  
 8 recall--and this is at page 412. And if you  
 9 recall, the superintendent was reluctant to  
 10 admit that but he did which I submit supports  
 11 his credibility that he wasn't a witness siding  
 12 with the Respondent.  
 13 Then the UFT Rep Mr. Satchell. He  
 14 starts his testimony telling us that he attended  
 15 a lot of disciplinary meetings with Dr. Severin  
 16 and either the assistant principal or Principal  
 17 Dorcely, more than 20 during the 2015-2016  
 18 school year. He described the meetings as  
 19 hostile and that it was just pointing out  
 20 something Dr. Severin might have done that  
 21 wasn't the best thing to do in the eyes of the  
 22 principal or Ms. Barnett. At page 469 Satchell  
 23 noted that the hostility stemmed from Dr.  
 24 Severin being asked by the 19 administration to  
 25 either change--I'm sorry, withdrawn--being asked

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 by the administration to either change a grade  
 3 or if it was to allow a student extra time on an  
 4 exam, something along those lines, and Dr.  
 5 Severin had reported this incident. I believe  
 6 as Mr. Satchell says to SCI, "And it seemed like  
 7 a lot of hostility throughout the school year  
 8 carried over from that incident."  
 9 Mr. Satchell also testified that he  
 10 remembered very clearly that the principal made  
 11 an open threat and Satchell believed that it was  
 12 directed to an individual and that individual  
 13 was Dr. Severin. Mr. Satchell testified that he  
 14 heard Principal Dorcely say you tried to take me  
 15 down. He did not name who he was talking about  
 16 but he did say, Principal Dorcely, I'm back and  
 17 I'm stronger than ever and I'm going to ride  
 18 you. I submit this goes to support a clear  
 19 retaliation by the principal against Dr.  
 20 Severin. He said he was going to do it and now  
 21 we are here today in this room summing up on a  
 22 3020-a hearing. And Dr. Severin was the only  
 23 person who had filed--at that time was the only  
 24 person who had filed an OSI case against  
 25 Principal Dorcely in the 2014-2015 school year.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Then we heard from UFT Chapter Leader  
 3 Dunkin who testified that Urban Action Academy  
 4 is one of the more active schools because of the  
 5 day discipline is handled there. At page 741  
 6 Mr. Dunkin noted that the schools he supervised  
 7 that there were 85 disciplinary letters since  
 8 December of 2015 and that of the 85, 50 of them  
 9 were from Urban Action Academy. Mr. Dunkin  
 10 testified on page 741 and 742, "There seemed to  
 11 be a situation that was coming to a head between  
 12 Dr. Severin and Principal Dorcely. I had seen  
 13 that Michael Prayor, the Superintendent, had  
 14 come to me when he noticed it. We talked about  
 15 it." Meaning Mr. Dunkin and Mr. Prayor, the  
 16 Superintendent. "So we tried to come up with a  
 17 plan to alleviate the anxiety." And this plan  
 18 was the cooling off period where both members  
 19 had limited interaction and that they would have  
 20 limited interaction with each other over a  
 21 period of a month and then through their cooling  
 22 off period Dr. Severin would look for a place  
 23 for employment.  
 24 Mr. Dunkin spelled out the agreement  
 25 to expedite signing disciplinary letters. He

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 explained that they agreed to just say there was  
 3 no comment and to sign the letter. Mr. Dunkin  
 4 described that even though there was an  
 5 agreement about how to handle the letters  
 6 Principal Dorcely's tone was aggravated,  
 7 harassing, belittling, and on page 744 despite  
 8 the Department's contentions, Dr. Severin agreed  
 9 to just sign the letter in accordance with the  
 10 agreement they came--they had come up with. But  
 11 that's not what Principal Dorcely wanted.  
 12 That's not what he wanted to do. I submit that  
 13 he showed his true colors and just simply how  
 14 underhanded he is.  
 15 When we refer to the transcript at  
 16 page 746 because at the end of all of this, at  
 17 the end of this meeting Principal Dorcely stood  
 18 up and--Mr. Dunkin had worked out this agreement  
 19 and they thought they had an agreement but  
 20 Principal Dorcely had stood up and--they put a  
 21 lot of time into this trying to work out this  
 22 agreement and Principal Dorcely said I'm still  
 23 going forward with my 3020-a hearing and Mr.  
 24 Dunkin asked him. What are you talking about?  
 25 I thought this was an agreement for a cooling

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 off period. Everyone has said so. That doesn't  
 3 mean I won't go forward with this. I'm going  
 4 forward with this because I want him out of  
 5 here. Again, Mr. Dunkin's testimony goes to  
 6 show that Principal Dorcely wasn't acting in the  
 7 best interest of the students, wasn't even  
 8 acting in the best interest of Urban Action  
 9 Academy. He was acting in his own interest and  
 10 that was the interest of getting Dr. Severin  
 11 thrown out of the school to protect himself.  
 12 Principal Dorcely acted with complete disregard  
 13 for the -- [00:01] of Mr. Satchell and Dunkin  
 14 who had to attend all of these meetings and he  
 15 continued to harass Dr. Severin throughout the  
 16 school year.  
 17 And lastly we heard from the  
 18 Respondent. Your Honor has had an opportunity  
 19 to see Dr. Severin's demeanor during this entire  
 20 period, during this entire hearing. You heard  
 21 him testify. You saw that he was forthright.  
 22 He spoke candidly about things that were  
 23 difficult. He did his best to answer the  
 24 questions as he understood them and as the DOE  
 25 presented them to him. The Department may try

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 to say that Dr. Severin is not credible based on  
 3 answers that he gave on some questions that were  
 4 compound questions on cross examination about  
 5 who he should notify when he was absent. That's  
 6 not why we are here and that isn't enough to try  
 7 to discredit Dr. Severin's entire testimony.  
 8 Dr. Severin faced a very rigorous cross  
 9 examination but recall his demeanor. I submit  
 10 that he was a gentleman but he stood up for  
 11 himself.  
 12 The Department could say all they want  
 13 about the reason why Dr. Severin made the SCI  
 14 report. He was having issues with his pedagogy  
 15 but this is not an incompetency case. He was  
 16 not having any issues with his pedagogy. But  
 17 what is clear is Dr. Severin, a new teacher in  
 18 the building, was asked to cover summer school,  
 19 was informed by the principal that a student and  
 20 her mother came to the principal's office to  
 21 inquire about the student's failing grade. I  
 22 submit the student and her mother when they came  
 23 to Principal Dorcely's office they didn't even  
 24 know Dr. Severin was there or who he was. The  
 25 principal brought their inquiry to Dr. Severin's

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 attention.  
 3 One moment. Okay. In closing, if you  
 4 look at the timeline of the events, it further  
 5 corroborates Dr. Severin's allegations and  
 6 retaliation. The student, Student A, during the  
 7 summer Dr. Severin reports the allegations to  
 8 OSI, OSI interviews Dr. Severin in mid-June.  
 9 Dr. Severin is informed that the investigation  
 10 is slated to continue with other interviews.  
 11 Then there is summer break. The OSI report is  
 12 concluded either substantiated or  
 13 unsubstantiated. It doesn't matter. The  
 14 teachers return to school, Principal Dorcely  
 15 throws the gauntlet down with a threat you tried  
 16 to take me down. I'm stronger than ever. I'm  
 17 going to ride you. And following Dr. Severin's  
 18 testimony, Principal Dorcely was going into  
 19 beast mode and now this case begins.  
 20 Dr. Severin has suffered abuse at the  
 21 hands of the principal. Dr. Severin testified  
 22 that after the disciplinary conference on the  
 23 9/11 lesson plan Principal Dorcely walked  
 24 followed behind him from room 105 all the way to  
 25 his room down the hall which is about a good six

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 to 20--about six to seven classrooms down the  
 3 hall talking, harassing, taunting him, telling  
 4 him how this year I'm done and I'm gone to the  
 5 point where we got in front of--Dr. Severin was  
 6 in front of room 128 and the principal  
 7 threatened him saying--telling him he's going  
 8 to--and excuse the language but he's going to  
 9 fuck him up this year. That I'm done and I'm  
 10 gone. Dr. Severin then testified at page 524,  
 11 he also said this year I'm going to be on your  
 12 back. Believe you me you are gone, you are  
 13 gone. So when I asked Principal Dorcely, Dr.  
 14 Severin says at page 524, are you threatening me  
 15 Principal Dorcely responded yes, it's a threat.  
 16 I said are you saying you're threatening me and  
 17 Principal Dorcely said yes.  
 18 He also suffered abuse by Principal  
 19 Dorcely with the multiple disciplinary  
 20 conferences. As Mr. Dunkin described, there has  
 21 been a disproportionate amount of observations.  
 22 There were over 25 disciplinary letters and  
 23 without any sort of remedy. So what exactly was  
 24 the point? Was the point to move Dr. Severin  
 25 along? Was the point to make Dr. Severin a

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 better teacher? Or was the point simply to  
 3 create a paper case where he would be able to  
 4 bring a 3020-a hearing, a paper trail where he  
 5 would be able to bring a 3020-a hearing?  
 6 Principal Dorcely would walk into his classroom  
 7 unannounced and observe him almost every day. I  
 8 submit to The Court that this is unnerving to  
 9 have any interruption while a teacher is  
 10 teaching and to be observed by the principal on  
 11 such a repeated basis. That's why the practice  
 12 of observing teachers and visiting classrooms  
 13 are covered under the CBA and clearly Principal  
 14 Dorcely was in violation of that.  
 15 Every interaction that Principal  
 16 Dorcely has with Dr. Severin, Dr. Severin  
 17 describes it as always condescending, constantly  
 18 berating, constantly belittling. It was  
 19 intimidation and it was confrontational. I  
 20 submit to Your Honor if there's a finding of  
 21 guilty--Dr. Severin--withdrawn. Dr. Severin  
 22 reached out to the OSI investigator for help and  
 23 to the superintendent so he could get a reprieve  
 24 and it did not come. And he also reached out to  
 25 the union for help.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Lastly, Your Honor, if there's a  
 3 finding of guilty, the Hearing Officer must then  
 4 look to the penalty phase and make a  
 5 determination of what is the appropriate penalty  
 6 and the penalty must be proportionate to the  
 7 officers. I submit that if you find that Dr.  
 8 Severin engaged in any misconduct there should  
 9 be no further penalty. He already received  
 10 numerous letters to his file and that mark on  
 11 his career is proportionate to the lightweight  
 12 allegations against him and certainly he should  
 13 not be terminated for anyone or even the  
 14 collective body of allegations contained in the  
 15 specifications. I submit that there is nothing  
 16 in the record, in the documents to conclude that  
 17 Dr. Severin should never teach again.  
 18 Furthermore, Dr. Severin was not an  
 19 insubordinate employee. Numerous times during  
 20 his testimony he said that when Principal  
 21 Dorcely on September 8th, 2015, was talking  
 22 about going into beast mode Dr. Severin  
 23 testified that he better make sure he does his  
 24 work. He later testified on page 570 he made  
 25 every effort to adhere to whatever mandate was

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 given to him, and he described the principal's  
 3 actions had a severe impact on him personally.  
 4 He described his two years at Urban Action  
 5 Academy as hell and then described I've never  
 6 experienced such a hostile working environment,  
 7 so much harassment. The working condition was  
 8 not pleasant and it was two years for me.  
 9 At page 578, the Superintendent Prayor  
 10 testified that his three years as superintendent  
 11 that he never had to give a principal and a  
 12 teacher a cooling off period before Principal  
 13 Dorcely. I'll note that this was Principal  
 14 Dorcely's second year as a principal whereas Dr.  
 15 Severin has been a teacher for a very long time.  
 16 So within the second year of Principal Dorcely  
 17 being a principal he has to have a cooling off  
 18 period where Dr. Severin with his 20 years of  
 19 teaching who's never had to have a cooling off  
 20 period until he came under the supervision of  
 21 Principal Dorcely. I submit that this work  
 22 environment was bitter and hostile hell that  
 23 Principal Dorcely created for Dr. Severin in  
 24 retaliation for filing the SCI report and is not  
 25 indicative of Dr. Severin's ability to retain

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 his job as a teacher with the Department of  
 3 Education.  
 4 Additionally, it is a long-held  
 5 proposition that it is a graduated system of  
 6 employee discipline and this is Dr. Severin's  
 7 first disciplinary proceeding. In citing  
 8 Mockler v Ambach the commissioner upheld a 30-  
 9 day unpaid suspension for a 23-year employee.  
 10 In DOE versus Elliot Factor, [phonetic] Decision  
 11 Number 13,068, the relevant inquiry is whether  
 12 the discipline imposed is proportionate to the  
 13 offense. Informing this inquiry is the  
 14 principle that penalties are not to punish but  
 15 to impress upon a teacher the inappropriateness  
 16 of his conduct and to serve as warnings against  
 17 future improper conduct. A teacher's record is  
 18 also relevant to the issue of penalty. In this  
 19 case the Respondent has served the school  
 20 district for 23 years without incidents giving  
 21 rise to a 3020-a charge. Under the  
 22 circumstance, a 30-day suspension without pay  
 23 seems appropriate and this is in the Appeal of  
 24 BOCES of Rockland County 29 Education Department  
 25 Rep. 406. Under the circumstances, a 30-day

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 suspension without pay seems appropriate to  
 3 impress upon the Respondent the seriousness of  
 4 the offense.  
 5 Okay. In Dr. Severin's case, the  
 6 allegations of insubordination were primarily  
 7 ministerial issues. There are no allegations or  
 8 testimony that any students were harmed or in  
 9 danger of harm or that the efficiency or  
 10 effectiveness of the school was impacted by his  
 11 alleged behavior. Your Honor must also consider  
 12 whether Dr. Severin is able to continue with his  
 13 job as a teacher. I submit that he can. This  
 14 was not an incompetence case. Dr. Severin has  
 15 an accomplished academic career throughout his  
 16 career and he's improved himself by earning a  
 17 PhD, completing it, publishing. He lectures in  
 18 colleges in the exact subject that he is a  
 19 teacher. Socially he is a role model to  
 20 students of color, students who are immigrants,  
 21 English language learners because that is his  
 22 story. He can relate to these students and by  
 23 keeping his job as a teacher show them that they  
 24 can overcome the same struggles. His passion to  
 25 remain a teacher and a teacher in New York City

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 he wants to teach and he is committed to the New  
 3 York City Department of Education. He is a  
 4 product of the New York City public schools, New  
 5 York City colleges.  
 6 And I will leave you with Dr.  
 7 Severin's words at page 580 of the transcript.  
 8 Dr. Severin says that--one moment--where Dr.  
 9 Severin talks about--at 580 of the transcript  
 10 Dr. Severin talks about his love of teaching.  
 11 He talks about the path that his career has  
 12 taken and Your Honor will have an opportunity to  
 13 see that. "At the conclusion of this case it is  
 14 my hope that I will be able to go on to continue  
 15 to teach," which is what Dr. Severin says,  
 16 "making a difference in young children's lives.  
 17 I enjoy my profession. I look forward to work  
 18 with children making them better academically,  
 19 socially, and personally."  
 20 For all of the reasons stated, all of  
 21 the reasons that were said, in light of the  
 22 evidence and the lack of evidence in this case,  
 23 I believe that the Arbitrator is left with one  
 24 decision and that's the decision to dismiss all  
 25 of the specifications brought by the Department

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 of Education against Dr. Severin. To do  
 3 anything but dismiss those charges would be to  
 4 allow Principal Dorcelly and the Department of  
 5 Education to abuse--to continue to abuse Dr.  
 6 Severin after the two years of retaliation and  
 7 hostile work environment that he had to live  
 8 through. Thank you.  
 9 THE HEARING OFFICER: Thank you very  
 10 much. Let's take a break at this time.  
 11 MS. MASSENA: Okay.  
 12 [OFF THE RECORD Break 11:35 a.m.]  
 13 [ON THE RECORD Break 11:42 a.m.]  
 14 THE HEARING OFFICER: Let's go on the  
 15 record. Ms. Kim, are you ready to proceed with  
 16 the closing for the Department?  
 17 MS. KIM: Yes.  
 18 THE HEARING OFFICER: Okay. Please  
 19 do.  
 20 MS. KIM: Thank you very much. And  
 21 good morning again to everyone. Arbitrator  
 22 Brown, this case is nowhere near as complicated  
 23 as the Respondent would have you believe. When  
 24 you separate the wheat from the chaff what you  
 25 are left with is a Respondent who engaged in a

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 pattern of deliberate misconduct by failing to  
 3 follow school policies and administrator's  
 4 directives. Instead of taking responsibility  
 5 for his actions the Respondent has stubbornly  
 6 and steadfastly clung to his belief that the  
 7 only reason why he is here today and is the  
 8 subject of this 3020-a proceeding is because the  
 9 administration started targeting him after he  
 10 reported Principal Dorcely to SCI for alleged  
 11 cheating.  
 12 As we all know that allegation along  
 13 with the other allegations that the Respondent  
 14 lodged against the principal was unsubstantiated  
 15 or unfounded. The Respondent proffered nothing  
 16 to counter the Special Report in evidence as  
 17 Department's Exhibit Number 30 other than his  
 18 uncorroborated claim that this report was not  
 19 the final word on the matters. Yes, the report  
 20 was written by a DOE representative Marshall  
 21 Kochanski [phonetic], but Mr. Kochanski wrote it  
 22 based on the findings of the Joint Investigation  
 23 Committee which consisted of the UFT and the  
 24 DOE. The Respondent's own witness the UFT Rep  
 25 Mark Satchell if you recall testified that

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 special complaints are investigated by a joint  
 3 team of DOE union members and that any outcomes  
 4 in terms of what the investigation uncovers have  
 5 to be agreed upon by both the UFT and DOE. The  
 6 Respondent himself acknowledged during his  
 7 testimony that there was a disposition that was  
 8 reached jointly by the parties but then he also  
 9 claimed that the joint investigation found merit  
 10 for step two, that the joint investigation  
 11 report is not here, and that the report in  
 12 evidence as DOE 30 is not complete.  
 13 Arbitrator Brown, there is no other  
 14 joint investigation report. The one in evidence  
 15 as DOE 30 that's it. That's the actual finding.  
 16 There's no other report. If there were, then  
 17 why didn't the Respondent himself enter it into  
 18 evidence or have someone testify about it? Why?  
 19 Because it doesn't exist. For the Respondent to  
 20 claim otherwise is a complete distortion of the  
 21 truth.  
 22 What the report DOE Number 30 did find  
 23 was that the Respondent's allegations were  
 24 meritless and that there was no evidence that he  
 25 had been subjected to any harassment by the

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 administration, and by the administration I mean  
 3 Principal Dorcely. In fact, the last paragraph  
 4 of the report specifically found that the  
 5 administration credibly denied engaging in any  
 6 harassing behavior and provided the Respondent  
 7 with extensive support to improve his  
 8 professional performance. The report went on to  
 9 state that the Respondent's desperate accounts  
 10 as to what happened during the alleged August  
 11 2014 cheating incident which allegedly began the  
 12 administration's course of harassment severely  
 13 undermined the Respondent's credibility. The  
 14 credible record of evidence before you is devoid  
 15 of any proof that the principal was ever  
 16 arrested, brought up on any type of charges  
 17 either criminal or civil, disciplined or that he  
 18 received a letter to file for the laundry list  
 19 of things that the Respondent accused him of  
 20 doing. If anyone has been doing an harassing,  
 21 it's been the Respondent toward the principal  
 22 for his baseless and discredited allegations.  
 23 The Respondent's own witness the  
 24 Superintendent Michael Prayor told you that he  
 25 is Principal Dorcely's direct supervisor, and as

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 such he would be aware if any allegations were  
 3 made against Principal Dorcely. The  
 4 superintendent told you that he never received a  
 5 notification from any external or internal  
 6 organization that there were pending  
 7 investigations against the principal or that  
 8 there were charges pending or being investigated  
 9 against him. The superintendent also told you  
 10 that he has never had to discipline the  
 11 principal in regard to any allegation that the  
 12 Respondent made against the principal.  
 13 Now what the Respondent's unfounded  
 14 allegations against the principal boiled down to  
 15 is truly much ado about nothing and a desperate  
 16 attempt by him to try to cover up and deflect  
 17 blame for his deliberate insubordination and  
 18 misconduct. The administration at Urban  
 19 Assembly Academy, as it is the right of any  
 20 Department administration or supervisor, held  
 21 him accountable for his failures to follow  
 22 school policies and directives. There was a  
 23 clear pattern of insubordination on his part and  
 24 yet throughout this entire proceeding the  
 25 Respondent refused to take any responsibility



1 JEAN RICHARD SEVERIN - 08/09/16

2 and blamed everything on the principal. He even  
3 described the charges and specifications against  
4 him as being purely punitive when there is ample  
5 evidence before you that the Respondent failed  
6 to fulfill basic work responsibilities and that  
7 he is in fact guilty.

8 Now the principal and the Respondent  
9 didn't know each other prior to the Respondent  
10 starting at the school in July 2014. He--the  
11 Respondent had just gotten hired by the hiring  
12 committee and started working at the school in  
13 approximately July 2014. Respondent would have  
14 you believe that Principal Dorcely, a long-time  
15 DOE employee who started as a school aide and  
16 worked his way up to being a principal earning  
17 two masters' degrees and is currently in the  
18 process of earning a doctorate degree would risk  
19 throwing away his entire career, something he's  
20 worked very hard for by asking a brand new staff  
21 member to help him allegedly help a student  
22 cheat on an exam. That the principal would ask  
23 Dr. Severin, someone who had just started  
24 working there, to do that merely a month later  
25 makes absolutely no sense whatsoever.

1 JEAN RICHARD SEVERIN - 08/09/16

2 And going back to the Special Report  
3 in evidence as DOE Number 30, it should be very  
4 telling to you that the Respondent did not file  
5 that complaint against the principal until June  
6 16, 2016, several weeks after the Respondent had  
7 already been served with the charges, the 3020-a  
8 charges, and he had already been removed from  
9 the school. I submit to you that the timing is  
10 very suspect on his part. Respondent wants you  
11 to believe that he sits here falsely accused and  
12 that the school is out to get him but the  
13 evidence clearly shows otherwise.

14 Now at this time I'd like to turn to  
15 the specifications at hand starting with  
16 Specification 1. Now with respect to this  
17 specification it deals with the Respondent not  
18 signing out and leaving the school building  
19 without notifying or getting approval from an  
20 administrator and not returning to his  
21 assignments for period seven and period eight.  
22 Now you heard testimony from AP Barnett and the  
23 principal. They said that the protocol is that  
24 in order for you to leave the building you have  
25 to get approval from an administrator and once

1 JEAN RICHARD SEVERIN - 08/09/16

2 you get approval you have to sign out. Now the  
3 Respondent acknowledged on cross exam that he  
4 was well aware of the protocol that--for staff  
5 members is that if you even set foot off campus  
6 you have to sign out and during his testimony  
7 the Respondent admitted that he did leave early  
8 that day and that periods seven and eight were  
9 pending.

10 Now he offered an interesting and  
11 evolving explanation as to why he didn't inform  
12 the principal or AP. Now at first on direct he  
13 testified that the principal and AP Barnett had  
14 accused him of saying something rude or  
15 inappropriate and as a result they told him okay  
16 speak with Ms. Towns [phonetic] only. Now on  
17 cross examination when the Department asked him  
18 well how did it come about that you were told to  
19 speak with Ms. Towns only his response to that  
20 was I asked the principal for my computer. The  
21 principal told me to speak to Ms. Towns, ask her  
22 what I need, and that she will relay it to the  
23 principal. That conversation they had was  
24 regarding a computer that the Respondent needed  
25 and the principal had said to him okay we're

1 JEAN RICHARD SEVERIN - 08/09/16

2 going to look for your computer but that the  
3 Respondent then said he never received it. That  
4 the conversation was just mainly about that, the  
5 fact that he didn't have his computer, and it  
6 was very clear that at that time the issue that  
7 the Respondent was seeking to address with the  
8 principal was about his computer, nothing else.  
9 That was it. There was absolutely nothing in  
10 that conversation that would have led any  
11 reasonable person to believe that the principal  
12 and the AP told him that they would no longer  
13 communicate with him and that he would have to  
14 go through Ms. Towns. There is no other way to  
15 characterize the Respondent's testimony about  
16 this other than to say that he straight up lied.  
17 He sat in that chair under oath and lied when he  
18 said that the principal and the AP told him to  
19 speak with Ms. Towns only.

20 Now moving on to Specification 2,  
21 that's the allegation where the Respondent was  
22 accused to adhere to the school cellphone policy  
23 when he allowed students to use their cellphones  
24 during his class. Now you heard credible  
25 firsthand testimony from the principal who told

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 you that he saw students using cellphones in the  
 3 Respondent's classroom and the principal's  
 4 testimony is corroborated by the students'  
 5 handwritten statements. The principal also  
 6 testified that he saw both the Respondent and  
 7 the co-teacher Ms. Burlingame [phonetic] in the  
 8 classroom while this occurred, and he further  
 9 testified that it was absolutely not true that  
 10 the Respondent was outside of the classroom and  
 11 speaking with a student. Principal Dorcely also  
 12 told you that he didn't just discipline the  
 13 Respondent. He also disciplined Ms. Burlingame.  
 14 She also received a letter to file for that  
 15 incident. It's clear in the record that there  
 16 is no evidence whatsoever that the students'  
 17 statements, the handwritten statements were  
 18 coerced or that they were bribed to write them.  
 19 And just touching briefly on the fact  
 20 that Mr. Massena brought up the fact that  
 21 because the Department did not call those  
 22 students to testify that it violated his  
 23 client's right to confront his accusers.  
 24 There's no stopping the Respondent or his  
 25 attorney from calling them as witnesses at this

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 proceeding. They could have and they chose not  
 3 to do so, so if anything, their failure to not  
 4 to call those witnesses is more so--their  
 5 failure to act upon a right that existed for Dr.  
 6 Severin.  
 7 And then Mr. Massena also briefly  
 8 mentioned about, you know, the Department not  
 9 conducting a full and fair investigation.  
 10 Arbitral precedent is very clear that  
 11 arbitrators are now backing away from a full and  
 12 fair investigation being an element of just  
 13 cause and as we all know this is a denobal  
 14 [phonetic] proceeding and the Department's case  
 15 will rise and fall on the evidence that is  
 16 presented at this hearing and the Department  
 17 cites to two cases in support of that  
 18 proposition: DOE versus LR and DOE versus WW  
 19 which with your permission, Arbitrator Brown,  
 20 the Department will submit electronically all  
 21 case law after the completion of this hearing  
 22 date.  
 23 THE HEARING OFFICER: That's fine.  
 24 MS. KIM: Thank you. Now moving on to  
 25 Specification 3--

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 THE HEARING OFFICER: [Interposing]  
 3 Let me just make clear if I may with regard to  
 4 my direction. If the Department can provide  
 5 that information to both Respondent's counsel  
 6 and to myself by close of business, is that  
 7 reasonable?  
 8 MS. KIM: That is reasonable, yes.  
 9 THE HEARING OFFICER: Thank you.  
 10 MS. KIM: Yes. Sure. And moving on I  
 11 would like to talk about Specifications 3 and 5  
 12 in conjunction as they deal with the same  
 13 subject matter. So as we know both  
 14 specifications deal with the Respondent's  
 15 failure to attend the common planning meetings.  
 16 And we all know and it's been established that  
 17 these common planning meetings are mandated  
 18 contractually. Every teacher has to attend.  
 19 But focusing on specifically Specification 3,  
 20 December 23rd, 2015, Respondent failed to attend  
 21 or participate in the common planning meeting.  
 22 The principal's testimony in conjunction with  
 23 DOE Number 14 which is the sign-in sheet for  
 24 that date established that the responded was  
 25 absent from that particular meeting.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Respondent's explanation for his--for that  
 3 particular incident was that he did attend the  
 4 meeting that day but that his belief was that  
 5 someone might have fabricated the sign-in sheet  
 6 by writing that he was absent. When asked on  
 7 cross who it was he couldn't say who the person  
 8 was. And then he actually took it one step  
 9 further and said that he was the only one who  
 10 attended that meeting and that he spent five  
 11 minutes alone in the room and then he left. And  
 12 he kept on reiterating I strongly believe that  
 13 this was fabricated meaning whoever had written  
 14 absent on the sign-in sheet or that the date may  
 15 have been inappropriately upgraded.  
 16 Now if you look at that particular  
 17 sign-in sheet, you'll see that eight teachers  
 18 are listed. Every single one of those teachers  
 19 except for the Respondent and Ms. Feckier  
 20 [phonetic] were absent that day and Principal  
 21 Dorcely gave an explanation as to why Ms.  
 22 Feckier was absent. She wasn't just absent from  
 23 the meeting that day. She was actually absent  
 24 from work. She was absent the entire day.  
 25 Moving on to Specification 5, this

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 deals with the numerous dates that the  
 3 Respondent missed the common planning meeting.  
 4 Now Principal Dorcely testified in detail about-  
 5 -and this is something that Mr. Massena touched  
 6 upon in his summation--about how time was spent  
 7 on MOSL and Principal Dorcely made it very clear  
 8 that using common planning time--or working on  
 9 MOSL is common planning time so it was  
 10 definitely within the confines of the contract  
 11 and the principal's authority to tell his staff  
 12 members to work on MOSL because it was part of  
 13 common planning time.  
 14 And with respect to again the dates  
 15 listed in Specification 5 we know that the  
 16 common planning meetings took place during sixth  
 17 period which was approximately between 12:15 and  
 18 12:54 p.m. Principal Dorcely told you in his  
 19 testimony in conjunction now with Department 18  
 20 that has the numerous letters to file and then  
 21 the sign-in sheets for all of the dates listed  
 22 in Specification 5, all of that taken together  
 23 established that the responded was absent from  
 24 the common planning meetings. Now Principal  
 25 Dorcely told you that yes there were dates that-

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 -for the common planning meetings that coincided  
 3 with disciplinary conferences, but he told you  
 4 they took no more than ten minutes. It usually  
 5 was no more than sometimes just a question. Did  
 6 you do this? The response is yes or no and it's  
 7 over. The expectation of the Respondent was to  
 8 return to or to attend the common planning  
 9 meeting with his team, but Principal Dorcely  
 10 told you that the Respondent did not do that.  
 11 That instead of going to these meetings the  
 12 responded would go into his classroom, sit at  
 13 his desk, lights off, two feet up on his desk,  
 14 eyes closed.  
 15 When we get to what the Respondent's  
 16 explanation was for Specification 5 it was  
 17 another interesting one. So he says okay so I  
 18 attended the meetings but I didn't sign in, but  
 19 I was always there. I was either at a  
 20 disciplinary meeting or I was at the common  
 21 planning meetings, but I didn't sign in. So  
 22 when asked on cross examination so if you know  
 23 it's the protocol to sign in in order to  
 24 document your attention, why didn't you sign in?  
 25 What was his answer? I don't know. He himself

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 didn't know why he didn't sign in and he wants  
 3 you to believe that he just had absolutely no  
 4 idea why he failed to sign those sheets.  
 5 Now the Department has an idea. He  
 6 didn't sign in because he didn't attend those  
 7 meetings, plain and simple. The credible record  
 8 of evidence also shows that for a number of the  
 9 charged dates where disciplinary conferences  
 10 were held he didn't even bother to go. That he  
 11 instead sent Mr. Satchell to attend on his  
 12 behalf. So according to this Respondent he  
 13 didn't go to some of the disciplinary meetings  
 14 but as he put it he did always go to the common  
 15 planning meetings even though he didn't sign in  
 16 on the sign-in sheets, but then he doesn't know  
 17 why he didn't sign in. So and then for the  
 18 sign-in sheets where his name doesn't appear  
 19 someone may have written in the words--the  
 20 letters ABS for absent. Someone may have  
 21 fabricated those. But he never reported it to  
 22 anyone that someone--that he believed that  
 23 someone was fabricating these entries. His  
 24 ridiculous and utterly incredible testimony  
 25 really speaks for itself.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Now moving on to Specification 4,  
 3 that's the charge where he failed to keep one  
 4 set of lights on in his classroom while he was  
 5 playing a movie. The principal told you  
 6 credibly what he observed when he was with his  
 7 principal colleagues. He told you that they  
 8 walked past the Respondent's classroom. It was  
 9 pitch dark, all lights were off, and a video was  
 10 playing on the screen. The principal also told  
 11 you how students' heads were down and that he  
 12 and his principal colleagues were by the door  
 13 for a minute or two as they observed this going  
 14 on. The Respondent created a classroom  
 15 environment where instead of having students  
 16 learning and actively participating he basically  
 17 hosted a nap session. That wasn't a good use of  
 18 a class period where every minute of instruction  
 19 is important. The Department doesn't need to  
 20 put a teacher on notice for something that is  
 21 common sense. People--keep one set of lights  
 22 on, keep your students engaged, and make sure  
 23 they're not sleeping. That's just common sense.  
 24 Respondent conceded on his testimony  
 25 that he had indeed turned off the lights but

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 that he didn't notice if any students had their  
 3 heads down or were asleep. Well that's because  
 4 he wasn't paying attention. He tried to deflect  
 5 attention away from his poor classroom  
 6 management and pedagogy by telling you that the  
 7 principal came in and taunted him with his  
 8 principal colleagues where apparently Principal  
 9 Dorcelly was pointing his fingers and laughing at  
 10 him through the window during.... The Department  
 11 has a very hard time believing that the  
 12 principal along with his principal colleagues  
 13 would engage in that type of childish behavior  
 14 and in front of a bunch of people, students, the  
 15 Respondent. The Respondent's testimony about  
 16 this is just so bizarre and doesn't make an iota  
 17 of sense that these principals would even engage  
 18 in that type of behavior.

19 Now moving on to Specification 6, the  
 20 Respondent is charged with leaving the school  
 21 building without signing the teacher log in the  
 22 school's main office. Now the Department  
 23 submits to you that Principal Dorcelly, as he did  
 24 with all of the other specifications in this  
 25 case, testified credibly and to the best of his

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 recollection. Principal Dorcelly with respect to  
 3 this specification--the charge date is--the  
 4 incident date is November 12th, 2015. Principal  
 5 Dorcelly didn't testify at this proceeding until  
 6 the end of June and mid-July so we're talking  
 7 about eight, seven, eight, nine months later  
 8 that he was called in to talk about an incident  
 9 that happened many months ago. And again as you  
 10 can see this case involves many charges and many  
 11 specifications. So it's normal I submit to you  
 12 for a witness to perhaps have a lapse in memory  
 13 and that's not tantamount to lying. That just  
 14 goes to show that the principal is human.

15 Now at the time that the principal met  
 16 with the Respondent at the disciplinary meeting  
 17 to discuss this particular specification he  
 18 subsequently issued the letter to file which was  
 19 close in time to when he met with him and when  
 20 the incident occurred. The incident was fresh  
 21 in his mind when he documented the letter and  
 22 what was documented in there was much closer in  
 23 time and represented an accurate memorialization  
 24 of what he observed on November 12th, 2015, that  
 25 of the Respondent leaving the school building

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 during the school day without signing the  
 3 teacher log. The Respondent claimed that he  
 4 didn't leave the school building that day, but  
 5 based on the numerous lies that he told  
 6 throughout his testimony the Respondent's  
 7 version should not be credited.

8 Now moving on to Specification 7, this  
 9 is the allegation where he failed to follow a  
 10 directive to submit his midterm exam for review  
 11 and feedback to an administrator. Now the  
 12 principal testified very credibly that he never  
 13 actually received a copy from the Respondent.  
 14 The staff members were all put on notice that  
 15 all unit tests and exams were due to a direct  
 16 supervisor three days before the administration  
 17 of the exam, and we know that at the time the  
 18 principal was the Respondent's direct  
 19 supervisor. So the Respondent on cross  
 20 examination again had an interesting  
 21 explanation. On cross examination he first said  
 22 that he did not submit it and then mere moments  
 23 later he said that oh yes it was submitted even  
 24 though he just testified that he hadn't  
 25 submitted it, and then he then went on to say it

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 was submitted to the principal by my co-teacher  
 3 Ms. Fagan. And then finally when pressed again  
 4 he admitted that he didn't submit the midterm  
 5 exam for review and feedback prior to  
 6 administering the exam.

7 And he knew what the ramifications  
 8 were or what the repercussions could be for  
 9 failing to do so. He knew and he conceded on  
 10 his testimony that one of the reasons why  
 11 teachers have to give their midterm exams to an  
 12 administrator for review and feedback is so that  
 13 the administration can see that the content is  
 14 appropriate for testing and covers topics that  
 15 are in sync with the subject being taught and  
 16 with the class curriculum and that really speaks  
 17 to a larger impact that it would have in making  
 18 sure that the students are on track, learning  
 19 what they're supposed to learn, and being tested  
 20 on what is grade and subject appropriate.

21 Now moving on to Specification 8, this  
 22 is the specification where the Respondent is  
 23 alleged to have permitted a student to reenter  
 24 the building through a different exit and not  
 25 through the main entrance. The Department

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 submits to you that there is credible hearsay  
 3 evidence in this case established by Principal  
 4 Dorcely that the Respondent was observed on  
 5 camera by the AP and in person by Principal  
 6 Micalona [phonetic] and also the student's  
 7 handwritten statement. Taken together  
 8 collectively show that the Respondent did allow  
 9 the student to reenter the school building  
 10 through the exit as opposed to where the student  
 11 should have entered which is the main entrance  
 12 where security is posted and the student would  
 13 have been scanned for safety reasons.  
 14 I would just like to point out briefly  
 15 during the Respondent's testimony about this  
 16 specification when asked about a simple question  
 17 about wasn't there security posted at the main  
 18 entrance he couldn't even answer that simple  
 19 question. The Department had to ask him  
 20 numerous questions just to get him to admit that  
 21 yes for the past two school years I went through  
 22 the main entrance in and out every day to get  
 23 into work and to leave work and only then would  
 24 he admit oh yeah there was security posted at  
 25 the main entrance. Now that might seem like a

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 minute detail to you, Arbitrator Brown, but it  
 3 should indicate to you that as a witness the  
 4 Respondent is not credible or forthcoming when  
 5 for even the smallest and simplest questions he  
 6 can't answer them in a straightforward manner.  
 7 Now moving on to Specification--I'll  
 8 talk about 9, 10, and 15 together as they cover  
 9 the same allegation that the Respondent failed  
 10 to contact the main office or a supervisor to  
 11 inform them of his absence. Now the record and  
 12 evidence has very clearly established that the  
 13 Respondent was put on notice regarding his  
 14 obligations for if a staff member is going to be  
 15 absent you have to contact the main office or a  
 16 supervisor. That directive was contained in the  
 17 2014-15, 2015-16 staff handbooks. Respondent  
 18 admitted on cross that he read them. That he  
 19 was familiar with the contents of that staff  
 20 handbook. And we also have for one of the staff  
 21 handbooks an acknowledgement of receipt. We  
 22 also know that at least in reference to  
 23 Specification 15 when he received a letter to  
 24 file for that failure to contact the school in  
 25 there the principal specifically asked him at

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 the disciplinary meeting why didn't you reach  
 3 out to the school and the Respondent's response  
 4 was since 1996 I've been teaching. Even in the  
 5 school community I never had any issue about  
 6 being absent or not calling. So even as of  
 7 April 23rd, 2015, he received a letter to file  
 8 putting him on notice once again that it is your  
 9 responsibility to reach out to the school.  
 10 Now with respect to the Specifications  
 11 9, 10, and 15 in conjunction, the Respondent's  
 12 testimony was I didn't know I had to reach out  
 13 to the school and the principal only reminded us  
 14 that we should as a courtesy reach out to the  
 15 school but all of the credible record and  
 16 evidence shows otherwise. Again, the staff  
 17 handbooks, the letter to file from April 23rd,  
 18 2015, all show that the expectation and the  
 19 directive of the school was that this Respondent  
 20 and all staff members at the school were  
 21 supposed to reach out to the main office or to  
 22 an immediate staff member.  
 23 Now the Respondent testified or  
 24 claimed that it wasn't until he saw the  
 25 specifications in this case that he knew that he

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 had to notify the main office or an immediate  
 3 administrator about being absent, and he  
 4 continued to claim on cross examination that the  
 5 school never informed him of this obligation.  
 6 And it wasn't until the Respondent confronted  
 7 him with that letter which is Department's  
 8 Exhibit Number 26 which speaks to Specification  
 9 15, it wasn't until the Department confronted  
 10 him with that he finally admitted that oh yeah I  
 11 was aware. I was put on notice about this. Yet  
 12 throughout his testimony the Respondent  
 13 stubbornly continued to insist that hey I  
 14 fulfilled my responsibility. I contacted Sub  
 15 Central. I did what I had to do. But yeah,  
 16 that was one part of the school's requirement as  
 17 seen in the emails that are in evidence, but the  
 18 other requirement was that he should have also  
 19 contacted his direct supervisor or the school  
 20 and he know this--he knew this very well.  
 21 And this specification, meaning 9, 10,  
 22 and 15, in conjunction with the others and the  
 23 subsequent specifications that I will be  
 24 discussing just really shows a pattern of  
 25 willful insubordination and a disregard for

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 directives, and if you look at DOE Number 22  
 3 which is the letter to file for I believe it's  
 4 Specification 10 or perhaps 9 as well in there  
 5 at the meeting when given an opportunity to  
 6 respond as to why he didn't reach out to the  
 7 school, this is what his response was,  
 8 "According to the daily docket teachers must  
 9 contact Sub Central or online. I informed Ms.  
 10 Towns I am finished here." Now again that  
 11 wasn't the requirement. Even back then he  
 12 didn't think it was wrong about how he conducted  
 13 himself or his failure to follow directives, and  
 14 even when he testified at this proceeding he  
 15 certainly didn't change his mind. He continued  
 16 to assert that he had done nothing wrong and  
 17 that he fulfilled his obligation by contacting  
 18 Sub Central. Again something as simple and  
 19 basic as reaching out to a supervisor he  
 20 couldn't even comply with that.  
 21 Now moving on to Specification 11 and  
 22 this is regarding his failure to supply with the  
 23 administration period two lesson plans for three  
 24 weeks. Now this directive was given by AP  
 25 Barnett and it's contained in DOE Number 5 in

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 directive to have a lesson plan readily  
 3 available on the request of an administrator and  
 4 to have an instructional objection followed by a  
 5 timestamp agenda listing the skills and  
 6 standards on the board or SMART Board. Now  
 7 Principal Dorcely testified credibly and he  
 8 explained to you in terms of how the  
 9 specification is worded what readily available  
 10 means. He said that at his school teachers keep  
 11 their lesson plans almost like in a pocket so  
 12 when the principal or an administrator comes  
 13 into a class there's no disruption at all, the  
 14 principal comes in, you take the lesson plan and  
 15 there's not even a conversation with the  
 16 teacher. So that's what readily available  
 17 means, that a physical copy has to be readily  
 18 available.

19 Now Principal Dorcely told you that  
 20 the co-teacher Ms. Fagan was not conducting the  
 21 class that day and that based on her own  
 22 failures for that particular day she also  
 23 received a letter to file so the principal  
 24 wasn't just--he wasn't targeting the Respondent.  
 25 Ms. Fagan got in trouble as well. Now he told

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 the APPR Section 3. As we all know, lesson  
 3 plans are contractually mandated and the purpose  
 4 is so that--a lesson plan is so that each  
 5 teacher can be prepared when they're teaching  
 6 and in the event an administrator walks through  
 7 an administrator can come into the class and be  
 8 aware of what's going on, and it's part of the  
 9 teacher's pedagogy to have a lesson plan always  
 10 available.  
 11 And on direct examination the  
 12 Respondent characterized this specification as  
 13 being purely punitive and retaliatory; however,  
 14 on cross he admitted that yes I failed to supply  
 15 the period two lesson plans for three weeks. He  
 16 failed to do so as directed in AP Barnett's  
 17 APPR. Now he admitted to failing to submit  
 18 them, but he never offered an explanation  
 19 whatsoever as to why he didn't supply the lesson  
 20 plans. His failure to do so was again a  
 21 continuation of a pattern of willful  
 22 insubordination and a disregard of his  
 23 supervisor's directive.  
 24 Now moving on to Specification 12,  
 25 this has to do with his failure to follow a

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 you that when he got to the classroom with the  
 3 other AP--I forget his name; Doctor I believe it  
 4 was Howell [phonetic]--and AP Barnett he told  
 5 you that the Respondent was at the front of the  
 6 classroom. Ms. Fagan was somewhere around the  
 7 side of the classroom next to the window. That  
 8 there was nothing on the board, no name, no  
 9 instructional objective, none of the essential  
 10 elements that an administrator expects teachers  
 11 to have on the board daily. He told you that  
 12 Ms. Barnett asked the Respondent may I please  
 13 have a copy of your lesson plans because we do  
 14 not see it at the regular place. Principal  
 15 Dorcely told you that the Respondent didn't have  
 16 one so the administrators left. He specifically  
 17 testified that the Respondent never provided the  
 18 lesson plan to him.

19 Now the Respondent's testimony was  
 20 that oh I did have a lesson plan. I tried to  
 21 show it to the principal but the principal  
 22 refused. He claimed that Ms. Fagan was showing  
 23 a video on the SMART Board and that his own  
 24 lesson plan was on the blackboard in the back of  
 25 the room. But then contrast that to his

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 statement at the disciplinary meeting which is  
 3 memorialized in DOE Number 23 where he stated I  
 4 had a lesson plan. My co-teacher had nothing on  
 5 the board. This lesson I was not involved in  
 6 which is in complete contradiction to his  
 7 testimony here. So at the disciplinary meeting  
 8 he never says I tried to show you the lesson  
 9 plan, Principal Dorcely. At the disciplinary  
 10 meeting the Respondent never says hey my lesson  
 11 was on the blackboard in the back of the room.  
 12 The first time he says that is at this  
 13 proceeding here and again the evidence  
 14 established, you know, he as a former UFT leader  
 15 he knows his rights. He knows that he can file  
 16 a rebuttal to any letter to file and that  
 17 someone else can do it on his behalf, but he  
 18 never did so for any letters to file, in this  
 19 instance never filed a grievance, and again he  
 20 didn't file that special complaint until he had  
 21 already been served with 3020-a charges for this  
 22 proceeding and removed from Urban Assembly.  
 23 Now with respect to the remaining  
 24 specifications--so it's 13, 14, 16, 17, and 18,  
 25 starting with 13 in conjunction with 14. So

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 those specifications deal with the Respondent's  
 3 failures to submit by the deadline the marking  
 4 period grades, the EGG files. So we know that  
 5 the Respondent was aware of his responsibility  
 6 to do so. All staff members were emailed that  
 7 there was a deadline and with respect to at  
 8 least Specification 13 we know that AP Barnett  
 9 herself emailed this Respondent several times  
 10 regarding the EGG files and how she followed up  
 11 with him. Now Principal Dorcely testified that--  
 12 so during this time period this is around June  
 13 '15, the month of June so we're talking about  
 14 we're nearing the end of the school year, grades  
 15 are being finalized, promotion and graduation  
 16 decisions are being made, so it's a very  
 17 important, very stressful time and meeting  
 18 deadlines is especially important because not  
 19 doing so can really hold up promotions and  
 20 graduations.  
 21 Principal Dorcely testified very  
 22 credibly that for both Specifications 13 and 15  
 23 the Respondent did not submit his grades in a  
 24 timely manner. Now Specification 13, DOE Number  
 25 24, the emails from the AP asking the Respondent

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 to submit his files, the emails really speak for  
 3 themselves. I'm not going to linger on it too  
 4 much but just to point out that her--I believe  
 5 the AP's last email to the Respondent dated June  
 6 23, 2015, even as of that date which is well  
 7 beyond the deadline the Respondent still had not  
 8 submitted his EGG files. And the principal  
 9 explained to you that it had gotten to the point  
 10 where after even several emails the AP had to  
 11 finally get the UFT chapter leader involved by  
 12 CC'ing him and requesting the files.  
 13 And just briefly turning to the  
 14 Respondent's testimony about this. So he  
 15 basically said I did send her an email but I  
 16 didn't realize that I had not attached anything,  
 17 so when the AP followed up with him he attaches  
 18 something but it ends up being the wrong  
 19 attachment. And then after that nothing. He  
 20 didn't submit the grades. And he really I think  
 21 tried to stress in his testimony that I did what  
 22 I could. I made some mistakes. It wasn't a big  
 23 deal. But it was a big deal as I mentioned  
 24 before, and he had actually regarding these  
 25 specifications--again 13 through 18--he had

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 characterized those specifications as follows.  
 3 They're just pure regression as to why these  
 4 charges were brought. Even something as simple  
 5 as attaching a file and the file not going  
 6 through I got written up. I mean of course he  
 7 would get written up. He failed to follow  
 8 directives and not just that not sending grades  
 9 on time is not something simple. Again such an  
 10 omission can lead to promotions and graduations  
 11 being held up. That's no small thing that isn't  
 12 just significant for the student but for the  
 13 school as well, and for the Respondent to  
 14 characterize his omission as something simple  
 15 shows his complete and utter disregard for the  
 16 administration and for the students.  
 17 And one other thing I wanted to point  
 18 out about his testimony regarding the AP's  
 19 emails. He kept on saying they were inaccurate.  
 20 He didn't know when he submitted the EGG files  
 21 to AP Barnett, but he kept on insisting that her  
 22 emails were totally inaccurate and that whatever  
 23 was represented in her email was inaccurate.  
 24 Now Arbitrator Brown, the Department would like  
 25 to remind you that it did make a discovery

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 request for the Respondent to produce the emails  
 3 that show that he submitted the EGGs. During  
 4 his testimony he said that he believed that he  
 5 still had them but the Department never received  
 6 them, and the Department submits to you that we  
 7 didn't receive them because they don't exist in  
 8 the first place.  
 9 Now with Specification 14 again  
 10 Respondent failed to submit his marking two EGG  
 11 files by the due date and time and that is  
 12 proven by the credible record and evidence from  
 13 the principal's testimony as well as the emails  
 14 that are in evidence and that is DOE Number 15.  
 15 And the Respondent's response at the  
 16 disciplinary conference for this specification  
 17 was the same old song and dance from the  
 18 previous specifications. I submitted the file  
 19 but it didn't go through. I didn't realize it  
 20 until you sent me the email. And he admitted  
 21 during his testimony that he did in fact miss  
 22 the May 29, 2015, deadline. And again with this  
 23 particular email exchange for this specification  
 24 between him and Principal Dorcely he  
 25 characterized the email exchange as inaccurate.

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 And again the Department made a discovery  
 3 request for whatever emails he had and did not  
 4 receive them, and again I submit to you it's  
 5 because they don't exist or that they never  
 6 existed.  
 7 Now moving on to Specification 16  
 8 where he's accused of failing to have on file  
 9 three emergency lesson plans. The directive to  
 10 him was clear. It was something that all  
 11 teachers know that in case of emergency or if a  
 12 teacher is absent there have to be at least  
 13 three emergency lesson plans on file and that  
 14 directive is in the school handbook, and  
 15 Principal Dorcely's testimony in conjunction  
 16 with the handbook and DOE Number 27 which was  
 17 the Disciplinary Letter all support the  
 18 Department's position that the Respondent did in  
 19 fact fail to have on file three emergency lesson  
 20 plans. Excuse me; sorry.  
 21 And at that meeting which was held on  
 22 February 12th, 2015, the principal asked him,  
 23 you know, he--Ms. Towns the school secretary had  
 24 emailed the Respondent back on January 7, 2015,  
 25 you're fresh out of lesson plans. Please submit

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 more. But as of that meeting date on February  
 3 12 he still had no submitted any new emergency  
 4 lesson plans. And what was his response at the  
 5 meeting? I was under the impression that I had  
 6 emergency lesson plans. I was under the  
 7 impression for having lesson plans by the 13th  
 8 so that is why I didn't go and look even though  
 9 he had been asked by the school please provide  
 10 them.  
 11 Now with respect to Specification 17,  
 12 this is regarding his failure to follow a  
 13 directive to supply weekly lesson plans to the  
 14 administration. We all know that that directive  
 15 came from an observation that the principal  
 16 conducted and based on that observation the  
 17 principal gave the Respondent a specific  
 18 directive to submit lesson plans in order for  
 19 the principal to support him because the  
 20 Respondent was showing that he needed support  
 21 with his planning; however, Principal Dorcely  
 22 testified that the Respondent failed to provide  
 23 him with lesson plans. And we have the Letter  
 24 to File in evidence as Department Exhibit Number  
 25 28 and we also have the Respondent who on cross

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 examination admitted that he did not submit the  
 3 lesson plans as directed by Principal Dorcely  
 4 and again nor do we have any explanation from  
 5 him as to why he didn't submit the lesson plans.  
 6 Now lastly with Specification 18, this  
 7 was the Respondent's failure to follow a  
 8 directive to schedule four instructional support  
 9 sessions. Now that directive was based on a  
 10 December 22, 2015, observation where the  
 11 Respondent was directed to schedule four support  
 12 sessions so that the principal can support him  
 13 in his professional practice and the principal  
 14 told you that the Respondent's failure to do so  
 15 was a pattern of just deliberate disregard to  
 16 directives.  
 17 Now on cross examination the  
 18 Respondent said that he did schedule four  
 19 support sessions, but he didn't recall if he  
 20 scheduled them within the deadline. Well that's  
 21 because he didn't schedule them within the  
 22 deadline. He knew that the schedule deadline  
 23 was that he was supposed to start the sessions  
 24 the week of January 5th, 2015. Again that  
 25 language is included in the Observation, DOE



1 JEAN RICHARD SEVERIN - 08/09/16  
 2 Number 28. In DOE Number 29, that's an email  
 3 that Ms. Towns sent to the principal and AP  
 4 Barnett and the Respondent which shows that the  
 5 Respondent didn't even bother to schedule the  
 6 four sessions until January 16, 2015, which is  
 7 well past the starting date of the week of  
 8 January 5th which was the deadline that AP  
 9 Barnett set. And again, the Respondent's  
 10 failure to do so in a timely manner and to  
 11 adhere to the deadline was again another example  
 12 of his deliberate disregard for an important  
 13 directive given by an administrator that--a  
 14 directive put into place to help him with his  
 15 pedagogy.  
 16 Now with respect to--there was much  
 17 ado from the Respondent about this cooling off  
 18 period. Arbitrator Brown, I'd like to just have  
 19 you keep in mind that the Respondent's own  
 20 witnesses even said that whatever hostility  
 21 there was it wasn't one sided. It wasn't a one-  
 22 way street. It was actually something that both  
 23 parties--they were both hostile to each other.  
 24 So for this Respondent to claim that he's a  
 25 victim is just absolutely an inaccurate

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 characterization of the situation between them.  
 3 The Respondent does not have clean hands. He  
 4 was hostile. He did things that caused  
 5 Principal Dorcelly to act in a way that any  
 6 administrator or supervisor in his position  
 7 would have and that was to take the Respondent  
 8 to task for failing to follow reasonable  
 9 directives.  
 10 Now the defense witnesses such as Mr.  
 11 Satchell, Mr. Dunkin, and to a certain extent  
 12 Superintendent Prayor added nothing to your  
 13 ultimate question of whether or not the  
 14 Department met its burden of proving its case by  
 15 a preponderance. And I would like to also point  
 16 out that of the three witnesses that the  
 17 Respondent called, two of them were UFT chapter  
 18 leaders whose number one concern, number one  
 19 goal is to protect their union members.  
 20 And then touching briefly on the  
 21 alleged comment that the principal made at the  
 22 beginning of the year staff meeting where the  
 23 principal was there, Dr. Severin, Mr. Satchell,  
 24 all these other staff members and the comment  
 25 about, you know, going into beast mode and

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 whatever it was. So it's just really  
 3 interesting that of all the witnesses he could  
 4 have called, staff members, anyone who was there  
 5 who witnessed these alleged comments that again  
 6 were already unfounded by the joint  
 7 investigation and the report that arose from  
 8 that he calls the UFT chapter leader who is  
 9 clearly a biased witness. Again, his job is to  
 10 zealously advocate for Dr. Severin and other  
 11 union members. He's not the most impartial  
 12 person. His job is all about partiality and  
 13 protecting union members.  
 14 And I think what was also very telling  
 15 was that when Mr. Satchell testified the  
 16 Department asked him about the special  
 17 complaint. He was not aware that a special  
 18 complaint had been filed even though a lot of  
 19 what the Respondent is alleging the principal  
 20 did to him, conduct that, you know, arose  
 21 during--alleged conduct that arose during  
 22 disciplinary meetings or whatever, these are all  
 23 things that Mr. Satchell would ostensibly be  
 24 aware of because he was present but I just find  
 25 it very interesting that he never bothered to

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 tell his own union leader that I filed a special  
 3 complaint. He didn't tell him that he filed  
 4 one. He also never told him what the outcome  
 5 was. And we all know what the outcome is. All  
 6 of the allegations, the laundry list of  
 7 allegations against Principal Dorcelly were  
 8 unfounded. Now I just--again I find that very  
 9 suspicious, you know, that the one person who is  
 10 supposed to--  
 11 MS. MASSENA: [Interposing] Objection.  
 12 THE HEARING OFFICER: What's the  
 13 nature of the objection?  
 14 MS. MASSENA: The suspicious--  
 15 THE HEARING OFFICER: [Interposing]  
 16 I'm sorry. I didn't hear you.  
 17 MS. MASSENA: The characterization of  
 18 Mr. Satchell's testimony.  
 19 THE HEARING OFFICER: That's fine.  
 20 Overruled. This is a closing. Ms. Kim may  
 21 argue as she likes.  
 22 MS. KIM: Yeah. I wasn't going to say  
 23 that Mr. Satchell is suspicious. I just said  
 24 the circumstances are suspicious that the union  
 25 leader, someone whom he's had advocate for him,

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 someone who--in whom he's confided and trusted  
 3 this Respondent never even bothered to tell him  
 4 a huge--something as huge and as important as  
 5 filing a special complaint and having all of  
 6 those allegations unfounded.

7 And if you also again even though this  
 8 allegation about going into beast mode and this  
 9 and that was addressed by the Joint  
 10 Investigation Committee and unfounded, I just  
 11 wanted to point out to you that if you look very  
 12 carefully at what Mr. Satchell says was said at  
 13 the meeting or at the beginning of the year  
 14 staff meeting what the Respondent says is  
 15 different and that even based on that there  
 16 should be--it should cause you to question  
 17 witnesses' credibilities.

18 Now moving on to I'd like to discuss  
 19 applicable case law at this time. Arbitrator  
 20 Brown, in looking at all of the evidence in this  
 21 case it should be apparent to you that the  
 22 Respondent engaged in a pattern of calculated  
 23 behavior against the administration. He was  
 24 well aware that he was supposed to follow  
 25 directives that the administration issued to

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 him. In this case when you look at all of the  
 3 specifications and the directives issued none of  
 4 them was unreasonable or in violation of the  
 5 Collective Bargaining Agreement. The school was  
 6 in the right when it held the Respondent  
 7 responsible for his misconduct. The  
 8 Respondent's reasons for disregarding the  
 9 directives thereby disregarding and being  
 10 disrespectful to supervisors, all of those  
 11 reasons are unacceptable and should not be  
 12 considered mitigation for his conduct.

13 And in support of its position that  
 14 the Respondent should be terminated the  
 15 Department will cite several cases where  
 16 arbitrators terminated teachers for  
 17 insubordination. Although the fact patterns for  
 18 the cases I'm about to cite are different from  
 19 the instant matter, the Department asks that you  
 20 take these decisions into consideration as each  
 21 of the cases articulate the same basic tenants  
 22 of why insubordination is a termination worthy  
 23 offense.

24 Now in DOE versus DV SED Number  
 25 19,440, in that case the fact pattern consisted

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 of a Respondent who against his supervisor's  
 3 specific directive that he report to work and  
 4 that his vacation was not approved. This  
 5 Respondent had purchased airline tickets before  
 6 receiving permission and once he was denied went  
 7 on his trip anyway. In terminating--this was a  
 8 one-time incident and in terminating that  
 9 Respondent Arbitrator Robert Gray held that when  
 10 a teacher intentionally, willfully, and  
 11 unjustifiably fails to appear for scheduled  
 12 teaching days after being told by the principal  
 13 that his request for leave for those days is  
 14 denied the Department has a reasonable basis to  
 15 believe it cannot rely upon that teacher to  
 16 provide teaching services when and where needed.

17 Here in that case the Department  
 18 argued that this was the type of conduct which  
 19 was clearly so inappropriate that no warning was  
 20 necessary and the Department submits to you that  
 21 that applies in this case too. This case as  
 22 well as a lot of the directives given here were  
 23 commonsense, were things that the Respondent as  
 24 a long-time DOE employee has done before,  
 25 submitting lesson plans, calling out when he's

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 sick, you know, everything that's mentioned in  
 3 the specifications he either knew about it or  
 4 should have had the commonsense, and I'll submit  
 5 to you that he did but that he just failed to or  
 6 refused to follow directives because he didn't  
 7 like the principal.

8 Arbitrator Gray went on to say the  
 9 Respondent's proven misconduct in this case  
 10 demonstrates intention and willful bad faith  
 11 toward his employer. Here the credible record  
 12 evidence shows that the Department has a  
 13 reasonable basis to believe that they cannot  
 14 rely on this Respondent to conduct himself in a  
 15 professional and ethical manner. His misconduct  
 16 demonstrated intentional and willful bad faith  
 17 toward the Department.

18 Now in DOE versus JK, SED Number  
 19 19,626, this involved the case where the  
 20 Respondent was charged with verbal abuse, --  
 21 [00:01] violations, and also insubordination.  
 22 The arbitrator in that case terminated the  
 23 Respondent, Arbitrator Felice Busto [phonetic]  
 24 and held Respondent's misconduct toward her  
 25 superior over a three-year period was

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 "insubordinate, confrontational, and disruptive  
 3 to the functioning of the school system. She  
 4 appeared not to grasp the basic tenant that the  
 5 principal is her superior and she's required to  
 6 follow directives, instructions, and school  
 7 policies. Whether it was as simple as providing  
 8 homework for an absent student or ensuring that  
 9 her students did not leave the classroom  
 10 unattended Respondent engaged in a pattern of  
 11 gross insubordination and neglect of duty.  
 12 Despite numerous letters to file on a variety of  
 13 issues Respondent was unable to make any changes  
 14 to correct her behavior. To the contrary, the  
 15 evidence established that she became more  
 16 confrontational and defiant of school policies  
 17 and the principal's authority. Thus the  
 18 Department's repeated efforts to use progressive  
 19 discipline to correct Respondent's behavior were  
 20 futile. As the principal put it, Respondent had  
 21 become unmanageable as she refused to follow  
 22 directives and instructions from her superior or  
 23 act professionally." The arbitrator then went  
 24 on to write, "Respondent's persistent  
 25 insubordination alone warrants termination."

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 And in DOE versus NW, SED Number  
 3 8,253, Arbitrator Arthur Regal [phonetic] held--  
 4 and this was also an insubordination case--he  
 5 held--in terminating this particular Respondent  
 6 Arbitrator Regal held, "This case involves a  
 7 teacher who refuses to abide by reasonable  
 8 rules. She was insubordinate repeatedly and  
 9 expressed not the slightest bit to remorse." He  
 10 stated that her conduct did not change after the  
 11 charges were served and actually continued  
 12 throughout her hearing. He continued to write  
 13 in his decision "her insubordination led to the  
 14 charges and her defiance in the process, the  
 15 absence of remorse, and her conduct throughout  
 16 the hearing makes it clear that she would not  
 17 behave in a different manner if she were  
 18 permitted to return to her position."  
 19 And I would like to also cite DOE  
 20 versus DC, SED Number 8,131, and there's also an  
 21 Appellate Division determination upon appeal.  
 22 And I don't have the cite for that, but I will  
 23 provide case law to both parties. In the  
 24 original 3020-a Arbitrator Mary Cringle  
 25 [phonetic] terminated the Respondent and one

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 bases on which she terminated the Respondent was  
 3 the Respondent's lack of remorse. That  
 4 Respondent appealed her termination and the  
 5 Appellate Division held that the Respondent's  
 6 termination did not shock the conscience  
 7 considering her lack of remorse and harm caused  
 8 by her actions.

9 And the Department would also like to  
 10 cite to a Court of Appeals case People v  
 11 Agostino [phonetic], and in that case the Court  
 12 of Appeals held that defendants are interested  
 13 witnesses in that they are interested in the  
 14 outcome of the case so they are interested  
 15 witnesses as a matter of law. And I--the  
 16 Department realizes that this is clearly not a  
 17 criminal proceeding; however, it does submit to  
 18 you that should the theory of interested witness  
 19 should also apply in this proceeding as the  
 20 Respondent himself is clearly an interested  
 21 witness and his interest in the outcome of this  
 22 case is motivated--motivated him to lie and it  
 23 definitely affected the truthfulness of his  
 24 testimony. And the Department submits to you  
 25 that his interest is that he wants to keep his

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 job, that his desire to keep his job gave him  
 3 the motive to lie and to bend the truth.  
 4 And just briefly just one more case I  
 5 wanted to cite and this is in response to Mr.  
 6 Massena regarding a missing witness charge.  
 7 There is a Court of Appeals case which talks  
 8 about timeliness when making a request for a  
 9 missing witness charge. I will supply that case  
 10 law as well. And in the Court of Appeals case,  
 11 it's People v Gonzalez, in there are certain  
 12 elements that the moving party has to meet in  
 13 order to request or be granted a missing witness  
 14 charge; however, there has been subsequent case  
 15 law that says that in terms of timeliness but  
 16 this is in The Court's discretion that whether a  
 17 request is timely is a question to be decided  
 18 taking into account both when the requesting  
 19 party knew or should have known that a basis for  
 20 a missing witness charge existed and any  
 21 prejudice that may have been suffered by the  
 22 other party as a result of the delay.

23 In People v Carr [phonetic] the court  
 24 actually denied the defendant's motion for a  
 25 missing witness charge because the defendant

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 made the request more than a week after the  
 3 People provided their witness list and after the  
 4 People had rested their case in chief. The  
 5 court held that the request for a missing  
 6 witness charge had come too late and they--the  
 7 court denied the Respondent's motion.  
 8 Now with respect to going back to our  
 9 case, Arbitrator Brown, not once did this  
 10 Respondent demonstrate any remorse or take  
 11 responsibility for what he did. That should  
 12 indicate to you that he can't be rehabilitated  
 13 and that he's not fit to continue to teach or be  
 14 employed by the Department. We have no  
 15 guarantee that he's not going to continue to be  
 16 insubordinate. We have no guarantee that he's  
 17 going to follow reasonable directives given by  
 18 the Department. He continuously downplayed his  
 19 misconduct and his failure to comport with  
 20 directives. He even went so far to say that he  
 21 made every effort to adhere to whatever mandate  
 22 was given to him which as the evidence has shown  
 23 was clearly not the case.  
 24 Now there's a portion of the  
 25 Respondent's testimony that I thought was

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 particularly telling about his mindset. This  
 3 was on page 766. So when Mr. Massena asked the  
 4 Respondent how it made him feel when he was  
 5 sitting in the support sessions with Principal  
 6 Dorcely this was the Respondent's answer. "It  
 7 was very condescending. He was the authority as  
 8 if he was scolding a child, as if he was  
 9 scolding a subordinate." But that's exactly  
 10 what the Respondent is. He is the principal  
 11 subordinate. Principal Dorcely is his  
 12 authority. That's the major of all supervisor-  
 13 subordinate relationships. One is held in a  
 14 higher position and perhaps esteem than the  
 15 other. Now the Respondent's testimony right  
 16 there should tell you everything you need to  
 17 know about Dr. Severin and his approach or his  
 18 defense on his case. The Department submits to  
 19 you that his tremendous ego couldn't handle  
 20 being told what to do, having it pointed out to  
 21 him that he was wrong or that his work  
 22 performance was not up to par.  
 23 Arbitrator Brown, teaching is not an  
 24 absolute or an unfettered right. This  
 25 Respondent through his actions, his failures has

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 demonstrated through his misconduct, his  
 3 repeated and intentional misconduct that he has  
 4 given up his right to work for the Department  
 5 and the Department asks that you terminate this  
 6 Respondent. Thank you.  
 7 THE HEARING OFFICER: Thank you very  
 8 much. I'd like to go off the record for a quick  
 9 moment if we may.  
 10 [OFF THE RECORD Sidebar 12:44 p.m.]  
 11 [ON THE RECORD Sidebar 12:46 p.m.]  
 12 THE HEARING OFFICER: Let's go back on  
 13 the record. Okay. Well I've heard closing  
 14 arguments from both sides. I found them both to  
 15 be very helpful. Is there anything further that  
 16 needs to be addressed? I turn first to the  
 17 Department.  
 18 MS. KIM: No.  
 19 THE HEARING OFFICER: Now I turn to  
 20 the Respondent.  
 21 MS. MASSENA: No, Your Honor. No,  
 22 Your Honor.  
 23 THE HEARING OFFICER: All right. With  
 24 that having been said, I in my role as the  
 25 hearing officer in this matter will issue a

1 JEAN RICHARD SEVERIN - 08/09/16  
 2 timely decision marked from the time that I  
 3 receive today's transcript. I want to thank you  
 4 both very much. Let us now go off the record.  
 5 (The hearing adjourned at 12:47 p.m.)

Sheet 29

CERTIFICATE OF ACCURACY 881

I, Michelle Eaves, do hereby certify that the foregoing typewritten transcript of proceedings in the matter of New York City Department of Education v. Jean Richard Severin, File No. 29,298, was prepared using the required transcription equipment and is a true and accurate record of the proceedings to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature:

Date: \_\_\_\_\_ August 12, 2016 \_\_\_\_\_

Student Index

882

Ashley Weber, Student A